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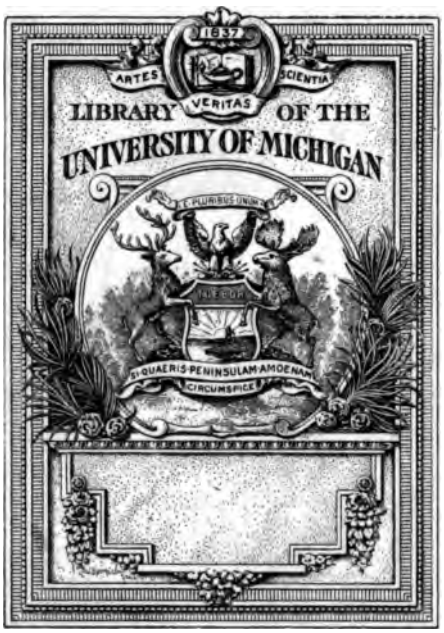

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A COMPANY FOR BREEDING HORSES ON THE CROW INDIAN RESERVATION, MONTANA

THE SURVEY AND ALLOTMENT OF INDIAN LANDS WITHIN THE LIMITS OF THE CROW INDIAN RESERVATION, MONTANA

HEARINGS

BEFORE

THE COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

ON THE BILL S. 2087

TO INCORPORATE A COMPANY FOR BREEDING HORSES ON THE CROW INDIAN RESERVATION, MONTANA, AND FOR OTHER PURPOSES

AND

ON THE BILL S. 2963

FOR THE SURVEY AND ALLOTMENT OF INDIAN LANDS NOW EMBRACED WITHIN THE LIMITS OF THE CROW INDIAN RESERVATION, IN THE STATE OF MONTANA, AND THE SALE AND DISPOSAL OF ALL SURPLUS LANDS AFTER ALLOTMENT

APRIL 21, 1908.—Presented by Mr. CLAPP and ordered to be printed with illustrations

WASHINGTON
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1908

COMMITTEE ON INDIAN AFFAIRS.

SIXTIETH CONGRESS.

MOSES E. CLAPP, CHAIRMAN.

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WILLIAM J. STONE.
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JOSEPH F. JOHNSTON.
ROBERT L. OWEN.

LEE F. WARNER, CLERK.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
April 1, 1908.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (chairman), Gamble, Sutherland, Brandegee, Curtis, Brown, Dixon, Stone, and Paynter.

The CHAIRMAN. The committee has met to consider the bills S. 2087, to incorporate a company for breeding horses on the Crow Indian Reservation, Mont., and for other purposes, and S. 2963, for the survey and allotment of land now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment.

Commissioner Leupp is present and desires to make a statement.

STATEMENT OF HON. FRANCIS E. LEUPP, COMMISSIONER OF INDIAN AFFAIRS.

Mr. LEUPP. Mr. Chairman, I simply desire to put the attitude of the Indian Office toward this Crow investigation right in the mind of the committee. The investigation was not made by the Indian Office, and if the inquiry of the committee is to go into that matter, I desire it understood just where the inquiry was made.

On the 2d of April, I think it was, of last year Mrs. Gray visited my office with a letter of introduction from Secretary Loeb, and laid before me certain matters connected with the administration of the Crow Reservation. Upon making some inquiries of her as to the source of her information, etc., the point was brought out by her that I was personally involved in the charges which she proposed to produce. I then told her that that, of course, ended my having anything to do with the investigation, as I would not appoint my judge, nor would I have anything to do with his appointment; nor would I, if possible, even know the man who was going to make the investigation.

Senator STONE. Is this the lady to whom you refer [indicating]?

Commissioner LEUPP. Yes, sir. You remember that, Mrs. Gray?

Mrs. GRAY. Yes, sir.

Commissioner LEUPP. I told her I would be glad to take anything she had and present it to the Secretary of the Interior, simply making the request that if possible he would appoint some one to make this investigation with whom I was not even personally acquainted, so that whoever made it could go to the very bottom of everything that I was connected with, or was supposed to be connected with.

In pursuance of this arrangement I did ask the Secretary to make the investigation, and he appointed for that purpose Mr. Dalby, whom, to my recollection, I had never seen. The first time I met Mr. Dalby he came over to my office in order to interrogate me when he was starting on this investigation. I gave him such information

as he asked for, and when Mrs. Gray told me that some of the matters which she had in memorandum form needed comparison with records which the office presumptively had, I called the chief clerk and told him to put a clerk at Mrs. Gray's disposal to dig out any of those records that she wished, to keep nothing concealed, but to throw the whole office open to her if it was necessary, and when she had got her material together to put a stenographer at her disposal so that the charges could be properly formulated. Then I went off to New York to let some contracts. I knew nothing more about the matter until the fall, when an appeal was made to me by Mr. Brosius, the agent of the Indian Rights Association, to procure a reinvestigation or order one, he being under the impression that Mr. Dalby was one of my subordinates and that I had ordered the investigation.

Senator DIXON. What crime had you been accused of at that time?

Commissioner LEUPP. I do not know; I am waiting to find out.

Mrs. GRAY. Mr. Leupp, don't you think I went to the President first?

The CHAIRMAN. Excuse me, Mrs. Gray, but if you want to ask any questions you must ask them through the committee; otherwise, we would degenerate into a town meeting.

Mrs. GRAY. I beg your pardon, but I think I told Mr. Leupp very plainly just exactly what I told the President afterwards at this time.

Commissioner LEUPP. May I ask, Mr. Chairman, what it was that Mrs. Gray told me?

Mrs. GRAY. It was that you came to the reservation with the general superintendent of the Burlington Railroad, Mr. Gillette, and was in his special car. The car was switched off with the general superintendent and the chef. Mr. Holdredge came afterwards, and the car was taken off, a part of a special train carrying a number of capitalists down to Ranchester, and there the matter of the sugar-beet proposition on the Crow Reservation was developed. That was what I told you when I was here, and that was what I told the President. I told the President that there ought to be an investigation of the doings of the Burlington Railroad people on the Crow Reservation, and it was at that time that he sent for Secretary Garfield to come to the White House and take the statement which you had refused to take at your office. I think I am correct about that.

Commissioner LEUPP. Well, Mr. Chairman, I dislike very much to differ with Mrs. Grey. My recollection is that when she said that I was in this matter, I asked her in what respect, and she said I was connected with some kind of a town-site scheme. That was the most I knew of it.

Mrs. GRAY. Mr. Chairman, would you mind asking Commissioner Leupp if he remembers that when I spoke to him about this matter his reply was, "I paid my fare. You can ask Mr. Curtis if I did not." Do you not remember saying that? Do you not remember our discussing this matter in your office?

Commissioner LEUPP. I have forgotten it, but I am perfectly willing to stand by what I say now.

Mrs. GRAY. Do you not remember our discussing this matter?

Commissioner LEUPP. No; have forgotten the circumstances except that you said I was connected with some kind of a town-site company, and I said I was not aware that any such company had been or-

ganized, and I remember your mentioning the Burlington Railroad in connection with the town-site company.

Mrs. GRAY. Did we not discuss the beet-sugar proposition at that time?

Commissioner LEUPP. The discussion was in a later conversation, which I was going to refer to.

Mrs. GRAY. We only had the one conversation, if you remember——

The CHAIRMAN. Mrs. Gray, you will have your opportunity to reply to Commissioner Leupp, and you should not interrupt except for the purpose of pointing out some evident mistake as we go along.

Commissioner LEUPP. What I wanted to say in answer to the question of Senator Dixon with regard to the charges against myself, is that I do not know that I ever read the charges made nor have I read anything, except certain portions of Mr. Dalby's report, which Secretary Garfield particularly requested me to read, and at the time the Indian Rights Association interested itself in getting another investigation, Secretary Garfield said, "as I understand it, they object to such and such features of the report," and I looked that over.

Now, all I desire to say here is that if the scope of the committee's inquiry is to be limited to the question of how the investigation was made, I must ask it simply to call on Secretary Garfield and Mr. Dalby. Secretary Garfield informed me that he had sent for Mr. Dalby by wire to the Pacific coast, and that he will be here in time to meet the committee and answer any questions that may be propounded to him.

Senator STONE. What does he do; what is Mr. Dalby's position?

Commissioner LEUPP. He has been an Indian inspector on the Secretary's staff, and has been nominated regularly for that position, but his nomination has not yet been confirmed, I believe.

Senator STONE. He was not an inspector then at the time he was appointed to this particular duty?

Commissioner LEUPP. Yes, sir; he had been appointed. It was a recess appointment. The President had appointed him at Secretary Garfield's instance.

Senator STONE. What State was he from?

Commissioner LEUPP. I do not know, but my impression is that he is a Virginian. I am not sure as to that. I know him very slightly.

Senator DIXON. Were there any specific charges filed at that time, Mr. Commissioner?

Commissioner LEUPP. Now, as to that I can only answer that I did not read the charges myself. One gentleman in the office who did read them told me that the charges were more in the nature of a magazine article or a newspaper article than they were in the usual form of charges, and that I attributed to the fact that Mrs. Gray had been in the newspaper profession and would naturally write more in that style.

Senator DIXON. What was the result of Inspector Dalby's investigation?

Commissioner LEUPP. My understanding of it is, from those portions of the report which I read—or rather it would lead me to the judgment—that it was a general exoneration of the management of the Crow Reservation, with two or three criticisms of the methods used there, and I believe accompanied by the statement that he had

given the agent some advice, which the agent had agreed to follow. That is the most I remember of it.

Senator DIXON. None of those charges were substantiated by his report?

Commissioner LEUPP. I understand not, but the report is at the service of the committee at any time. The Secretary would be very glad to send it here I am sure.

That is all I desire to say unless some Senator desires to ask a question.

Senator CURTIS. Who is this Mr. Curtis who is referred to in your statement?

Commissioner LEUPP. Mrs. Gray will recall the conversation. It must have been Mr. Curtis, the photographer, who came with me on the train.

Mrs. GRAY. I did not know who it was. I simply recall the statement.

Commissioner LEUPP. You are perfectly right Mrs. Gray, because I do not know any other way in which you would have discovered Mr. Curtis's identity.

Mrs. GRAY. I do not know now.

Commissioner LEUPP. It was Mr. E. S. Curtis, the photographer, who I met on the train, and we tossed up a cent to see who would have the upper berth and it fell to me.

STATEMENT OF MRS. HELEN PIERCE GREY.

Mrs. Helen Pierce Grey, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. What is your place of residence?

Mrs. GREY. I do not know where it is, since I came in contact with this Indian matter. Washington, I guess, as well as any other place.

The CHAIRMAN. And your occupation?

Mrs. GREY. I am a writer.

The CHAIRMAN. Now you may proceed and make your statement.

Senator STONE. Before she begins, Mr. Chairman, I would suggest that if there is a written complaint filed with the committee as a basis of this proceeding, that it ought to be read.

Mrs. GREY. I wish very much you would get that. If you will get that I will get Mr. Dalby's report, and I will show you that for a year there has been no investigation made of the Crow Reservation. The only thing that the Department has done has been to prevent any investigation. The first thing that was done—may I ask that that gentleman move (indicating Mr. Reynolds)

Senator DIXON. For what purpose do you desire him to move?

Mrs. GRAY. It makes me very uncomfortable to have anybody sit and stare that way at me.

Senator DIXON. I will say to the committee that Major Reynolds is the agent.

Mrs. GRAY. It is not very comfortable to have anybody sit and look at you that way.

The CHAIRMAN. State to the committee just when you came in contact with this matter, how you came in contact with it, and what has occurred.

Mrs. GRAY. I first came in contact with it by going to the Crow Reservation. I went out West. We had a syndicate of newspapers and I was a partner in the matter. It was the Byles correspondence bureau connected with the Omaha Bee, in Omaha. We had a very good business, and it was my part to be out there. I went to Cody first. I was working with the Burlington Railroad in connection with irrigation projects, and was writing that up for the syndicate, and in the course of my work I stopped off at Sheridan, near where there was to be a fair among the Crow Indians, and I thought it would be a good thing to stop there and see what the fair would be. I stayed there four or five days and then went on, but while I was there I saw a great deal of material that I could use in magazine writing and newspaper work, so I came back there; I had permission to be there. Mr. Reynolds, you gave me permission to come back, and I was there four or five months.

I was at the school for about three months on the Crow Reservation, working all the time, and as I was there I came in contact with a good many of the Indians, and saw a good deal, naturally. The Indians kept coming to me and telling me different things all the time, and I talked to Mr. Reynolds about quite a few of them, and talked to the superintendent. Then afterwards I had an opportunity of going back onto the reservation, way back to Lodge Grass, at the Fortymile ranch. While I was there the Indians began coming to me and telling me about some agricultural leases that were to be signed; that the agent was trying to get them to sign on the reservation, and I told them to go and ask the agent. They said there was no use asking him, that they could not get anything from him. They said that he said if they would sign those leases they could collect the money themselves; that the money would not be collected through the Department in the way it usually is, and they asked me if I knew anything about this matter. I told them that I did not. But it happened that I had among the papers and books that I was working with a report that was made by the Indian Commissioner to the Secretary of the Interior—the regular published report—in which he went very much into this sugar-beet business. I read that to the Indians. Now, the idea was to take all of the Indians' lands excepting 20 acres, which belonged to the head of the family, take all the childrens land and all the wife's lands and lease that to what Mr. Leupp called men of large means, which, in other words, was the Lincoln Townsite Company.

Senator DIXON. Is the Lincoln Townsite Company running a sugar factory?

Mrs. GRAY. You know, Senator Dixon, what the Lincoln Townsite Company is?

Senator DIXON. I never heard of it until yesterday.

Mrs. GRAY. You are Senator Dixon?

Senator DIXON. Yes.

Mrs. GRAY. And you never heard of the Lincoln Townsite Company?

Senator DIXON. I never heard of it until yesterday.

The CHAIRMAN. Now you can state whether they run a sugar beet factory?

Mrs. GRAY. No, they do not, because I killed it.

Senator DIXON. Were they trying to start a sugar beet factory?

Mrs. GRAY. Yes.

Senator DIXON. Where?

Mrs. GRAY. At Rauchester.

Senator DIXON. Where is that?

Mrs. GRAY. It is just off the reservation.

Senator DIXON. In Montana?

Mrs. GRAY. Yes; in Montana. Ranchester, I think, is in Wyoming; it is just over the line, on the other side of Parkman. In fact, I am sure it is in Wyoming, probably 4 or 5 miles over the line. As to what the Lincoln Townsite Company is, you know that there are a number of properties that are owned by New York people—the Standard Oil Company and the Amalgamated Copper Company—and the Lincoln Townsite Company is another one of the same. It is very well known through the West. At any place in the West that you may go, wherever the Burlington road goes, is the Lincoln Townsite Company.

Senator DIXON. The Lincoln Townsite Company have acquired what?

Mrs. GRAY. They have 13 town sites on the Huntley trip, which is the Lincoln Townsite Company.

Senator DIXON. How did they get title to that?

Mrs. GRAY. There is a map here on which is marked the different town sites, furnished by Mr. Savage. I asked him how it was acquired. He said it was acquired. I told the President about it, and I said that I thought the Lincoln Townsite Company was getting entirely too much land in there, and not honestly.

Senator DIXON. The Lincoln Townsite Company owns those 13 town sites, do they?

Mrs. GRAY. Yes, sir; and they own Cody—the town site of Cody and Basin. I suppose there are 100 town sites that they own.

Senator DIXON. One hundred in Montana, you think, that they own?

Mrs. GRAY. Montana and Wyoming; yes.

Senator DIXON. How many in Montana?

Mrs. GRAY. I do not know.

Senator DIXON. How many approximately, would you say?

Mrs. GRAY. I do not know; I have no idea.

Senator DIXON. Do you know that they own 13 under the Huntley Ditch?

Mrs. GRAY. I know they own 13 under that, because I have the map.

Senator DIXON. If the title in the Huntley project lands is still in the Government, how is it that the Lincoln Townsite Company owns them?

Mrs. GRAY. I asked the President that same thing, and he said he had never heard of the Lincoln Townsite Company. I said you will find the town site where Huntley is, where they are to open the project, is in the name of the Lincoln Townsite Company. Three days before they opened the Billings Gazette contained a little article, about four sticks, in which it said that the Lincoln Townsite Company had deeded to the United States Government the town site of Huntley. There was a heavy iron fence around it that was taken down three days before the opening. Do you remember that iron fence?

Senator DIXON. No.

Mrs. GRAY. You never were in Huntley, then?

Senator DIXON. I have passed through there. But as a matter of fact I can not understand when the title of the town site under the irrigation ditches are yet in the Government, how the Lincoln Townsite Company owns it.

Mrs. GRAY. I have the map that will show it.

Senator DIXON. But the town sites have been laid off by the Government, and the Lincoln Townsite Company has nothing to do with the Huntley town sites, if I understand anything about the law.

Mrs. GRAY. I do not know what the law is.

Senator DIXON. But you do know that the Lincoln Townsite Company owns the thirteen town sites under the Huntley ditch?

Mrs. GRAY. Yes, sir; because I have the engineer's map where he marked it, and when I made these charges, and before the grand jury, Mr. Morrell, the president of the Lincoln Townsite Company, was one of the chief witnesses against me.

Senator SUTHERLAND. Do you mean that Mr. Savage has marked these town sites as belonging to the Lincoln Townsite Company?

Mrs. GRAY. Yes, sir.

Senator SUTHERLAND. Within the limits of the irrigation project?

Mrs. GRAY. Within the limits of the irrigation project.

Senator SUTHERLAND. I do not see how they could get title to it in any way.

Senator DIXON. I have been very familiar with the Huntley Ditch matter, and, in fact, was instrumental in getting the appropriation put in the bill, but it has not as yet passed.

Senator STONE. Who is Mr. Savage?

Mrs. GRAY. He is the chief engineer.

Senator SUTHERLAND. Of the Reclamation Service?

Senator DIXON. Of the Northwest Company.

Senator CURTIS. These town sites, as I understand it, are located on the irrigation land and not on the Indian reservation?

Mrs. GRAY. I think there are two more in the Indian reservation now.

Senator DIXON. Let me explain the Huntley project to the committee. It is part of the Crow Reservation. Four years ago we passed an act opening it to settlement, and under it was an irrigation scheme of about 30,000 acres, which was completed last year, but there has only been a part of it entered as yet, and the town sites, or the irrigation town sites under the ditch, which have not yet been sold. The title is in the Government.

Mrs. GRAY. Now we will take Huntley, for instance. I think the records will show that the Huntley town site belonged to two Indians by the name of Tom La Forge and Jim Laforge. They knew the town site was going to be put there, at least they knew the land was going to be opened, and they supposed the town would be put there. I do not know whether it had been laid out or not, but they did not want to sell their land and were determined that they would not sell their land. Mr. Reynolds, who has a great deal of interest in the Lincoln Townsite Company evidently——

Senator DIXON. Are these rumors or facts that you are charging?

Mrs. GRAY. These are facts.

Senator DIXON. That Major Reynolds has a great deal of interest in that company?

Mrs. GRAY. I am simply saying that from some other things that I will bring out before I get through, that he must have a pretty close interest in the Lincoln Townsite Company. You never heard anything of the Lincoln Townsite Company?

Senator DIXON. No, never until this proceeding.

Mrs. GRAY. So I will be very explicit about it. I shall not say a single thing here that if you Senators want to get witnesses you can get good, reliable witnesses to prove.

Senator DIXON. I am interested in this matter because it is in my State.

Mrs. GRAY. If you read the Billings Inquirer you would know that it published articles on this subject three months and the people whom these articles are against bought the paper over, which is as good an indication as you would want that the things are true, because the paper has stated many different things that I said in that paper that are not true, and instead of buying it over they could have sued them for libel and got big damages.

Senator STONE. Mrs. Gray, you are making a pretty serious charge against a public officer in what you have said with regard to Major Reynolds. Do I understand that he is the Indian agent there?

Mrs. GRAY. Yes, sir; he is the Indian agent there.

Senator STONE. Do you speak from personal knowledge when you say it is a fact, or from rumor?

Mrs. GRAY. It is not from rumor at all. I have talked to the different Indians.

Senator STONE. Upon what do you base your statement as to the facts.

Mrs. GRAY. I will make the statement and just base it right here now. There were two Indians. One of them did not want to sell. He said, "I can not get anything to do on the reservation unless I sell this land." He said, "They want it and I have got to sell it," and he finally did sell it. I think the records will show that it was sold to the Lincoln Townsite Company, through their agent, and that it is now the town site of Huntley. Three days before the project was opened it was turned over to the United States Government, and the title must have been in them.

Senator SUTHERLAND. What was turned over to the United States Government?

Mrs. GRAY. The town site was deeded to the United States Government.

Senator DIXON. By the Lincoln Townsite Company?

Mrs. GRAY. Yes, sir.

Senator DIXON. Then they did not own Huntley?

Mrs. GRAY. They do not own Huntley now, but they did up to that time.

Senator PAYNTER. What was the purpose of deeding it to the United States Government?

Mrs. GRAY. I told President Roosevelt about it, and I supposed when he ordered the other investigation he ordered that turned back, but I do not know. I do not know what has been going on.

Senator PAYNTER. Was it deeded after this investigation began?

Mrs. GRAY. I tried to correct Mr. Leupp in his statement here. Of course we all know that when two people are telling the same thing they never tell it exactly the same; there are always discrepancies. He remembers it one way and I remember it the other. His word is just as good as mine in the matter, but I went to the President in the first instance and said I did not want to go with Mr. Leupp on account of the things I had seen out there; that I thought some one else should investigate.

The CHAIRMAN. Mrs. Gray, I would suggest that if you want to make a concrete statement that the committee, as well as other Senators or anybody else, can read, you will have to put it in some kind of continuous, concrete form. Now, I would suggest that you proceed with your statement in an orderly way. I think you have got to the reservation.

Mrs. GRAY. I was at the point where we were talking about this beet-sugar business. I think Mr. Leupp's own report will show what the beet-sugar business is. I said to the Indians, "If you sign any of these leases you will be beggars and paupers; inside of twenty years from now there will be nothing left of the Crow Indians," as it is natural to see that if these "men of large means," as Mr. Leupp calls them in his report, come in (they are not to allow small leasers, for they were not the right kind of men to come in). Mr. Leupp says this in his report. The Townsite Company were to have the lease extended from fifteen to twenty or twenty-five years, and they were to take the Indians' land, and the Indian was to farm sugar beets whether he wanted to or not. When I talked to the President about it I said: "You know no Indian will ever be an intensive farmer, and sugar beets are the most intensive farming that there is." The farmers in western Nebraska make a failure of it because they do not cultivate them enough, and no Indian will do it. Mr. Leupp says in his report that "the Indians take to sugar-beet raising as a German takes to science or an Italian to art," and I pointed out to the President, and the President agreed with me in what I said and ordered this investigation made, and said that no man who had not been out West and who did not know the Indian Reservation could make the investigation. He said he would get a Western man. Well, he did not. He got Mr. Dalby. Mr. Dalby at this time was not connected with the Government, but was appointed immediately afterwards as inspector. He had been a stenographer and had been Mr. Garfield's private secretary.

The understanding was that they would make this investigation on condition that I did not publish anything. Now, when I was at the Crow Reservation I saw the condition of things there and told them to go to the President and tell him about it and he would put a stop to it. So before I came here I went to one of their lodges and told the Indians to go with this to the President and he would put a stop to it. I read Mr. Leupp's report to them. I was arrested the next morning by Mr. Reynolds. I guess he remembers it. Of course, after I had read it to the Indians and explained it to them, there was not one of them who would have anything more to do with the sugar beets. The whole idea was to get rid of that. Then I went to Billings; Mr. Reynolds came up with me. We went to Sheridan first and then went to Billings, and we had a good many long talks about things on the reservation. He admitted a great many things.

He stayed there about two weeks, going back and forth to the agency.

Senator DIXON. Had you collected any money from the Indians at this time?

Mrs. GRAY. No, sir; not at this time.

Senator DIXON. Had you made them any proposition?

Mrs. GREY. None whatsoever; they wanted to come to Washington. My business was out there, and I could not come. I had no intention of coming at that time; but they did not want to come unless somebody would come with them, and they asked me if I would come, and I said I would come if they paid my expenses. My idea was to use my connection with the newspapers that I had at that time and get them to get permission for the Indians to come here. At this meeting that we had they asked me if I would come, and I said I supposed $500 would cover my expenses; I did not know how much it was. The Indians said it would be about $600. I have the stenographic report of what was said.

Senator DIXON. They were to give you $500?

Mrs. GREY. No; it was to pay my expenses to Washington.

Senator DIXON. The $500 was to pay your expenses down here?

Mrs. GREY. No; it was this way: There was no specific amount stated. They wanted me to come with them, and I said they would have to pay my expenses, and they wanted to know what it would be. I said, $500 or $600, I supposed. That was how it was. They were not to pay me any money for coming here, or anything of that kind. That has been very thoroughly thrashed over before the grand jury, and they could not find a single instance in which I said I wanted it for services. It was to pay my expenses to come here for them.

Senator DIXON. Did you ever receive this money afterwards?

Mrs. GREY. This was afterwards. I want to make the statement as consecutively as I can. I did not get the money. I have not come to that yet. So, while I was in Billings Mr. Reynolds and I were discussing matters on the Crow Reservation. When he would go back to the reservation the Indians would come to me and tell me what he said to them—that I had been bought off, and that things I had said to the Indians were not true, anyway, and that I was not going to do anything to help them. Then when Mr. Reynolds came back from the reservation I told him what the Indians had said, and I said I would not give this matter up until I had had a talk with the Indians. He said I might go back to the reservation, and I did go back with his permission but there was some jumbling of my message to the Indians, and I got off at Wyola. You know where that is?

Senator DIXON. No.

Mrs. GREY. It is the last station on the reservation. I got off at Wyola and the Indians got on at the next station. Mr. Reynolds had his officers on the train to arrest those Indians, knowing that I was not on the train, and when they got to Sheridan his officers arrested them and brought them back and kept them over night in jail there, at Sheridan. Now, they knew that I was not going to Washington with them at this time. Mr. Reynolds knows I was there in a walking skirt. I had not given up my room in the hotel and had not taken a thing with me except a little hand bag, and yet Dalby says I was starting to Washington; he says so in his report. That is as absolutely false as the rest of it.

Senator DIXON. Now, in order that we may get a clear understanding of the matter, you were to meet these Indians at Sheridan, Wyo.

Mrs. GREY. I was to meet the Indians at Wyola.

Senator DIXON. Then, why were they arrested at Sheridan?

Mrs. GREY. I made the argeement that I was to meet the Indians at Parkman, just off the reservation. There was a hotel there and I could stay there.

Senator DIXON. I want to know why the arrest was made at Sheridan, Wyo.

Mrs. GREY. I was coming to that——

Senator DIXON. Just answer that question.

Mrs. GREY. I do not know why it was made there.

Senator DIXON. Were you at Sheridan when the Indians were arrested?

Mrs. GREY. No; I was at Parkman, as they all knew. They knew where I was because Mr. Reynold's officers were on the train with me and saw me get off at Wyola. I rode then on horseback from there to Parkman. This same James Hill, who is here with the Indians, is a good servant and does just as he is told. He came up from the agency to me in Billings just after Major Reynolds had returned, and he and I talked the matter over of my meeting the Indians. I told him to tell the Indians, as a result of our talk, to meet me at Wyola, changing the place from Parkman. He told the Indians not to go near Wyola but to get on at Parkman; he said: "Mrs. Grey will not be there; you get on at Parkman and go down to Sheridan and she will meet you there." I had gotten off at Wyola before they got on. Mr. Reynolds must have known about it because he had his officers on the train to arrest them. His officers left on the same train that I was on; we were all on one train. They saw me get off at Wyola and saw the Indians get on at Parkman. Mr. Dalby's statement is very different. The Indians went on down and they were arrested and brought back, and I went back the same night to Billings and Mr. Reynolds came back the next morning and laughed at me. He said, "you see what dependence you can place on Indians." I said "the Indians are all right; you have done something to them, I do not know what it is." I said, "you go down to the jail and let them out or I will publish the thing to-day."

He went down to the agency and sent three of the Indians up to me at Billings, and when the Indians came they told me what he had told them before he had let them out, which made me very angry, and I said, "If you will give me the money I will go to Washington to-day and take your petition to the President, and I know these things will be stopped." They gave me $310 in the hotel and I wrote Mr. Reynolds that I was going to come through Crow Agency and that he could get on at the agency and ride down to Sheridan with me. There was no hiding about it.

Senator DIXON. What were you going to do when you got to Washington?

Mrs. GRAY. I was going to take the petition to the President.

Senator DIXON. What wrongs were you going to rectify when you got to Washington? That is what I have not gotten into my head yet.

Mrs. GREY. A great many, Senator Dixon, and I am hoping that something will be done, for nothing has been done as yet. I brought

this petition to the President. The petition ought to be among these papers that, I think, Senator Clapp has sent for. I brought that to the President, and he said: "This is abominable; I am going to make an investigation." Mr. Leupp did not voluntarily say he would not have anything to do with it at all; it was when I told the President of the conditions out there that he said "I will make this myself." That is the way it was.

Senator SUTHERLAND. Mrs. Grey, I very much dislike to interrupt you; but I would like to know what the particular things are that are being complained of.

Mrs. GREY. They have sent for those papers.

Senator SUTHERLAND. Can you not tell us what they are?

Mrs. GREY. Yes; here is a reservation of between two and three million acres, with 1,700 odd Indians on it. If you will read the report you will find that there have been thousands and hundreds of thousands of dollars spent on that reservation. I think, for twenty years—was it not, Mr. Reynolds, that they spent $30,000 a year to build houses on the reservation? There has been about $500,000 put into the ditches of the reservation of the Indians' own money.

Senator SUTHERLAND. Do you mean that the money has been wasted or what?

Mrs. GREY. It has been spent on the reservation; it is not there now. I do not know whether it has been spent or not, but there are the Indians literally starving to-day on the reservation.

Senator SUTHERLAND. Do you mean by that that money that has been appropriated to be used on the reservation has not been used?

Mrs. GREY. That is what I asked to have investigated.

Senator SUTHERLAND. Is that your statement about it; that that has occurred?

Mrs. GREY. Yes; undoubtedly, because take the one irrigation ditch that I know of, that cost $400,000. You know that at Shoshone, there is the highest retaining wall in the world, I think, cost only $500,000.

Senator SUTHERLAND. Then your statement amounts to this: That there has been a misappropriation of moneys which have been appropriated by Congress?

Mrs. GREY. Yes; all along.

Senator SUTHERLAND. Misappropriation by agents or some one else?

Mrs. GREY. Some of it was appropriated by Congress, but a large part of it was the Indians' own money.

Senator SUTHERLAND. Is that what you mean to say, that there has been a misappropriation by Government agents?

Mrs. GREY. Yes.

Senator SUTHERLAND. Now, go on and tell us what other specific things you complain of.

Mrs. GREY. Well, the reservation is leased to three principal lessors, the Heinrich Cattle Company, the Bair Sheep Company, and E. L. Dana. In Mr. Dalby's report you will observe that the permits that were made to the Heinrich Cattle Company were made irregularly; I take his own report of what he found there. When I started to Washington Mr. Bair took 125,000 sheep off the Crow Reservation. He has always sheared on the reservation. He is paying for 35,000 there.

Senator DIXON. On what fact do you base the assertion that he took 125,000 off; is it specific?

Mrs. GREY. It is specific. The Billings Gazette contains usually the amount of wool that Mr. Bair ships. That is Mr. Moss's paper; he is president of the bank, and Mr. Bair is one of the heavy stockholders in it, and naturally it is going to be pretty nearly correct. He shipped a million and a half pounds of wool this year—you remember that, don't you—and he got $330,000 for it.

Senator SUTHERLAND. What do you mean by saying that there were irregularities in preparing the leases; what irregularities do you refer to?

Mrs. GREY. The records are here, and they show that when they made these permits for sheep two men bid for them, one was Charlie Bair and one was T. J. Murphy, of Helena. Now, the Indians held a council and they stated at this council that they wanted no more sheep there; a great many of the Indians have been driven off the reservation. They can not live there where the sheep are. The sheep occupy the reservation at this end. I can give you the names of several who have objected.

Senator DIXON. Who are they?

Mrs. GREY. John Frost is one and Lee Harrison is the other. They went off the reservation, and Charlie Bair has been occupying their land for several years.

Senator DIXON. They were driven off the reservation?

Mrs. GREY. Yes, sir.

Senator DIXON. How many of those Indians were driven off?

Mrs. GREY. If you go over to the Big Horn you will hardly find an Indian but will tell you that he was driven off. Joe Cooper was one of the Indians up in that district. You can not farm with sheep everywhere, and the fact is that 125,000 sheep were on the reservation, and the fact is that he took them off when he knew I was coming to Washington. He has always sheared at Lodge Grass.

Senator PAYNTER. I would like to ask a question. You say that he took off 125,000 sheep. Was he only entitled to have on the reservation 35,000 under the lease?

Mrs. GREY. Under the permits; he has no lease. He has permits, and those permits are for Pryor districts. Mr. Dalby in his report says that he was up in the Rotten Grass and the Big Horn Little Horn district, and that he probably owed the Indians $800 for being where he has no right to be. He had no permit to be there at all.

Senator SUTHERLAND. Now, Mrs. Grey, I wish you would come back to the question I asked you a moment ago, and tell me what these irregularities are. You said there were certain irregularities in obtaining leases.

Mrs. GREY. There were two men who made a bid for the lease, one for $8,600 and the other for $7,000. The Indians held a council, at which they stated that they wanted no sheep there. These Indians held this council and elected Plenty Coos, Big Shoulder, and Henry Russell to come to Washington and ask that these sheep be taken off or confined to another district. They wanted to farm that land, and they could not do it with the sheep there.

Senator DIXON. Was the land that was irrigated fenced?

Mrs. GREY. No; it was not fenced.

Senator DIXON. Did the sheep herders drive them right on the Indian allotments?

Mrs. GREY. They went with them everywhere. They were warned off, but it made no difference.

Senator DIXON. You know this to be a fact; you saw this, did you?

Mrs. GREY. I know that many Indians told me of it, and I saw the sheep on Joe Cooper's land. I know he had been trying to get those sheep off. I know the sheep were on Harry Chatham's land and he did not want them there. I know they were on Horace Long Bear's land and he did not want them there. I know they were on John Frost's land and he did not want them there, and there was this council of all the Pryor and Big Horn Indians, and the protest is in the Indian Department. It is among the papers and it can be had. The Indians protested against these sheep and wrote to Washington, asking that the matter be taken up and Mr. Reynolds replied when asked that there had been some depredations by the sheep, but he had stopped it, and the Indians were satisfied. Then they had another council and they asked to have Plenty Coos, Henry Russell, and Big Shoulder Blade come to Washington. When they came to Washington they brought Frank Shiveley. He is one of the Indians here to-day, and Mr. Edwards and Mr. Bear came with them all the way to Washington. Mr. Reynolds came as far as Omaha. Now, there are papers here in the Department that will show that Mr. Bear was given the permit in preference to Mr. Murphy; Mr. Reynolds's letter is there. He said that Mr. Murphy was not a reliable man. If you come from Helena you know T. J. Murphy.

Senator DIXON. I do not come from Helena.

Mrs. GREY. But you know who T. J. Murphy is?

Senator DIXON. Yes.

Mrs. GREY. Is he not a perfectly reliable man?

Senator DIXON. Yes.

Mrs. GREY. And would you not think that he is a more reliable man than Charlie Bair?

Senator DIXON. I do not know about that.

Mrs. GREY. You have heard about his check. Charlie Bair got his money for his sheep. He had $75,000 in a check, and he got some of his cronies together and they went around to the different saloons in Helena, drinking, and they all wanted a drink, and he offered this check in payment. Of course, nobody could cash it, and they went around town with this check, drinking everywhere. They were such good customers of the saloons that they could not make any trouble about it, and so they had an awfully good time with this check. Then there was another time—you remember when he was with the railroad? It was published so generally that I think it is safe to say it is fairly true. He was on the Northern Pacific Railroad as conductor, and they tried to put him in the penitentiary for knocking down so many fares.

Senator DIXON. Is this of your own knowledge?

Mrs. GREY. No; but you must have heard it if you have ever been in Billings. It was the first thing that was told me about Charlie Bair.

Senator SUTHERLAND. Mr. Chairman, I suggest that we are not getting along in any way with this investigation.

The CHAIRMAN. It is not the chairman's fault.

Mrs. GREY. When they could not put him in the penitentiary his reply was that he had knocked down all the money that he needed. That is the way he got his money. The statement is made in the papers. You will find in the records that they did not want to give those permits to Mr. Murphy, because he was not a reliable man; that Mr. Bair was very much better, and the Indians wanted him, and it was given to Mr. Bair for $7,000 instead of Mr. Murphy for $8,600, and you will see what a state of mind Mr. Murphy must have been in, and his darkness as to why it was given to Bair, and he never did find out until long afterwards.

Senator PAYNTER. You say he bid $8,700.

Mrs. GREY. Eight thousand six hundred dollars.

Senator PAYNTER. For the same privilege that Bair received for $7,000?

Mrs. GREY. Yes, sir; for $7,000. If you will get these records you will see the letter from Mr. Reynolds, and the rest of the correspondence which shows the whole history of this matter plainly. Is that what you want to know, Senator Sutherland?

Senator SUTHERLAND. I have not found out yet what the irregularity is that you complain of. Is that the irregularity—that one bid was received, a lower bid instead of a higher bid?

Mrs. GREY. Yes; it was done fraudulently.

Senator DIXON. Who was responsible—was Mr. Leupp Commissioner at the time?

Mrs. GREY. Yes.

Senator DIXON. How long since were these bids that you speak of?

Mrs. GREY. Mr. Reynolds knows.

Senator DIXON. But you are testifying. I am asking you?

Mrs. GREY. I can not tell you just exactly when it was.

Senator DIXON. Was it ten years ago or twenty or two?

Mrs. GREY. It was about two years ago.

Senator DIXON. And yet Mr. Leupp gave it to the low bidder?

Mrs. GREY. I do not know who gave it.

Senator DIXON. It was the Indian Office, was it not?

Mrs. GREY. It was given from the Department. It was given to Mr. Bear. They gave only a permit to be in the Pryor district—that is one small district where Plenty Coos lives. The sheep were all over the reservation, as Mr. Dalby's report will show. When I started to Washington he took his sheep off. He usually shears on the reservation; he has sheared there every year since he has been there, and he has been there, I think, about ten years. He was there quite a while before this, and he had his shearing plant there and he had his camp cook engaged, and he had everything ready to shear, and these sheep for the early market in Chicago were not sheared; it was just at shearing time. He went way up to Waco and Forsythe and sheared up there, in a country where he had no hay. Hay last spring was worth $18 a ton, and it was hot weather, just at the end of April, and you know sheep deteriorated at that time.

Senator DIXON. What was the price of sheep up there at that time?

Mrs. GREY. I do not know.

Senator DIXON. Four dollars is about what sheep sell for.

Mrs. GREY. Do you mean to say that you can buy sheep for $4?

Senator DIXON. I would hate to bid over that for them.

Mrs. GREY. You can not get them in Montana for less than $8. I think these are no common sheep. He has the very best breed of everything. Thirty-five thousand of his sheep would shear $330,000 worth of wool.

Senator DIXON. Thirty-five thousand sheep?

Mrs. GREY. Yes, sir; $330,000 worth of wool.

Senator DIXON. That would be about $10 for each sheep.

Mrs. GREY. I guess a little more than that, is it not?

Senator DIXON. That is a valuable lot of sheep.

Senator CURTIS. What other charges have you, Mrs. Grey? We want all the charges you have against this agent, or against the management up there.

Mrs. GREY. Well, there are a lot of things with regard to the school that Mr. Sniffen will tell you about—personal things that it is better for him to tell you.

Senator PAYNTER. Have you a copy of the charges with you?

Mrs. GREY. Yes; here they are [exhibiting papers]. Do you want me to read them?

Senator PAYNTER. No; I do not want to interrupt your statement.

The CHAIRMAN. I have already suggested that Mrs. Grey read them.

Senator GAMBLE. Either read them or put them into the record, so that if the record is printed we will be enabled to secure the information in that way.

Senator PAYNTER. I made the inquiry because I thought she had it all in writing and she could read it because it would be more concise and more accurate than she could state from memory.

Mrs. GREY. What shall I do then?

The CHAIRMAN. Just proceed and tell such things as you have in the nature of a complaint as to the management and conduct of the Crow Reservation.

Mrs. GREY. Now, you have the two charges of the way these leases are occupied; by these two leases. There is another leaser, E. L. Dana, the biggest leaser there; they have altogether about $40,000 a year in lease money. The Indians never get that and we want an accounting as to where the money goes.

Senator CURTIS. How many acres do you claim that Dana has in his lease?

Mrs. GREY. I do not know, Senator Curtis. He pays about $20,000 a year for his lease. He testified so. He told me before the grand jury in Helena that he estimated that he had twice as many cattle as Heinrich, knowing what cattle that Heinrich had put on the reservation in the past five years. Now, Heinrich is on the reservation, and Mr. Dana has a ranch just off the reservation, and the cattle would go by his ranch and he would have a pretty good idea of the cattle that were on there. He estimated that Heinrich had 10,000 head of cattle there. According to Mr. Dalby's report Mr. Heinrich has in eight years paid $10,000 for his cattle.

Senator DIXON. Is the lease by the head or by the acre—so much per head for the animals or so much an acre?

Mrs. GREY. It is so much a head. He pays for two thousand and some head.

Senator DIXON. All of these leases are by the head instead of by the acre?

Mrs. GREY. Nothing just by the acre except Mr. Dana. Mr. Bair has a permit for 35.000 sheep on 400.000 acres of unallotted land.

Senator SUTHERLAND. You say the Indians have not got the money. Where has it gone?

Mrs. GREY. That is what they want to know. That is what the petition is for, to have an accounting of moneys of their reservation. That is one of the things they ask for.

Senator GAMBLE. Do the Indians claim that this lease money has been misappropriated?

Mrs. GREY. They say they have never gotten any of it and they want to know where it goes—not exactly misappropriated. If you had $40,000 that should come in to you, you would want to know where it went.

Senator SUTHERLAND. Has it not been used by the Department for improvements for their benefit?

Mrs. GREY. There has been such a large amount of money put into improvements that it looks to me that an investigation would not do any harm.

Senator GAMBLE. Do you charge that this $40,000 has never been received by the Indians?

Mrs. GREY. Yes, sir; the Indians have told me that.

Senator GAMBLE. You charge that as a fact, that they have never received the money from their leases?

Mrs. GREY. You may find an Indian or two who has received some, but I do not know of any. I do not know what these Indians who have been brought here will say, but I know that the Indians on the reservation in council got up—I suppose 30 of them—and told Mr. Dalby that they had never received any of their money, and said, "Won't you give us an account of where that money has gone?" That is my authority for saying that they have never had it, and I have had Indian after Indian tell me, "I have never had any of the lease money and do not know where it has gone, and I would like to know."

Senator CURTIS. I understand that one of your charges is that the Government has appropriated a great many thousand dollars to build irrigation ditches on this reservation?

Mrs. GREY. That is correct.

Senator CURTIS. And that the irrigation ditches are of no use or service to the Indians?

Mrs. GREY. I would not say it as broadly as that.

Senator CURTIS. Well, tell us about that.

Mrs. GREY. They have some very fine ditches there—some good ditches, and some very good land under those ditches, but at the same time right on this irrigated land are the sheep and the cattle, and the Indians can not farm with the sheep there.

Senator CURTIS. That is, they have good land under the ditches, which they are prevented from farming by reason of sheep and cattle being permitted to run at large over the reservation?

Mrs. GREY. Yes.

Senator CURTIS. Now, you charge, as I understand it, that a good many thousand dollars have been appropriated by Congress to construct buildings for these Indians.

Mrs. GREY. Yes.

Senator CURTIS. What kind of buildings have they built—you have been there?

Mrs. GREY. I have been around a great deal in Lodge Grass, and I have been in the other districts, and wherever I went I would say to the Indians, "Where did you get your timber for your house?" Almost without exception they replied, "I brought that lumber from Fort Custer after it was dismantled." All the good houses that I know of there were built with Fort Custer lumber.

Senator CURTIS. What do you call a good house on the reservation?

Mrs. GREY. A two-room shanty, usually.

Senator GAMBLE. Did the Indians claim that they paid for the lumber with which those houses were built out of their own money?

Mrs. GREY. Yes; Packs The Hat, for instance. I take him, for example, because I know him and he can be found; he has a little house there, I think, of three rooms, and he is one of the best Indians in that district and one of the most progressive. I asked him where he got his lumber, and he said that he bought most of his lumber and paid for it in cash. He had the Government carpenters come, and they put up a house first and it fell down, and then he had others come, and they started another up, and that fell down, so he said the Government carpenters should get out and he would build his own house, and he did build it. He hired different Indians to come there, and they built that house. That is the history of Packs The Hat's house. That is a good house. He has a very good piece of land, but the cattle are all around him and he can not farm. He had horses there that he wanted to sell, and he had to sell those horses to whomever Mr. Reynolds wants him to sell. Last spring he had an opportunity to sell his horses to John Booze, and John Booze offered more for those horses. I was at Parkman, and he and other Indians came up there and said, "Why can't we sell our horses where we can get the right amount of money? Mr. Reynolds wont let us do it." He would not, Mr. Reynolds said, because he did not want him to own this brand, but the horses were sold to Heinrich; Heinrich got the horses.

Senator GAMBLE. At how much less a price were the horses sold?

Mrs. GREY. I think John Booze offered $45 and they got $30; it was something like that; I do not know the figures.

Senator SUTHERLAND. These houses that you speak of that were built by the Indians themselves with their own money—is it your understanding that Congress had appropriated money for building those houses?

Mrs. GREY. I think of the money they received for the first land that they sold under the act of 1882, which allotted the Crow Indians upon the reservation, they were to receive $30,000 a year for twenty or twenty-five years to build houses on the reservation.

Senator SUTHERLAND. What I wanted to find out was whether or not you claim or think that money had been appropriated for the purpose of building these houses which the Indians themselves had built with their own money.

Mrs. GREY. In all the houses that I was in I did not see any that they were living in—not a single one—that was not built entirely with Indian money. There were several houses that they were build-

ing, or in course of building, but not finished, being built with appropriated money.

Senator SUTHERLAND. Do you mean partly with Indian money?

Mrs. GREY. Yes, sir; partly.

Senator SUTHERLAND. Partly with the Indians' individual money, I mean?

Mrs. GREY. Yes; and that they do on the reservation now. The Government furnishes the floor and the shingles, and, I think, the window and door frames.

Senator SUTHERLAND. Why is it that you complain about that; what is the objection—what is the objection to the Indians having to spend their own money for building their own houses?

Mrs. GREY. That is all right; I think they ought to spend their own money. I say they ought to have their own money and spend it themselves, but this large amount of money has been spent on the reservation and there is nothing there to show for it.

Senator BRANDEGEE. You filed charges with the President, did you not?

Mrs. GREY. I did.

Senator BRANDEGEE. When were those charges filed?

Mrs. GREY. A year ago to-morrow.

Senator BRANDEGEE. You took a copy of what you have there, did you?

Mrs. GREY. No; this is something quite different. This is something that has been prepared to take things to the present time.

Senator BRANDEGEE. What you have there relates to things that have happened since you filed your former complaint with the President?

Mrs. GREY. Yes; this is mostly the treatment that I have personally received at the hands of these—well, I won't say what. There is no word in the English language that expresses it.

Senator BRANDEGEE. Who are they?

Mrs. GREY. Here is one of them [indicating].

Senator BRANDEGEE. What is his name?

Mrs. GREY. S. G. Reynolds.

Senator GAMBLE. What position does Mr. Reynolds hold?

Mrs. GREY. He is agent there. I have been arrested six times——

Senator BRANDEGEE. Did you have any personal interviews with the President when you filed these charges?

Mrs. GREY. I had two long interviews with him.

Senator BRANDEGEE. At that time, a year ago?

Mrs. GREY. Yes.

Senator BRANDEGEE. What did he say?

Mrs. GREY. He said, "I would not for a moment think of permitting these things to go on," and he sent for Secretary Garfield and took the things that I had written out for Mr. Leupp and gave them to him. He said, "I am going to make this investigation personally?

Senator BRANDEGEE. Who said so?

Mrs. GREY. President Roosevelt.

Senator BRANDEGEE. Did he make it personally?

Mrs. GREY. Well, he asked Mr. Garfield to make it.

Senator BRANDEGEE. Did Mr. Garfield go out there?

Mrs. GREY. He sent Mr. Dalby, his private secretary, out, and Mr. Garfield himself came out at the opening of the Huntley irrigation project.

Senator BRANDEGEE. Do you know whether they ever made any report to the President?

Mrs. GREY. I have the report here, and it is false from beginning to end, as any intelligent person will see who will read it. It is only necessary to read Mr. Dalby's report to prove what he is, and what kind of business he did when he was out there.

Senator BRANDEGEE. What do I understand you to say is false from beginning to end?

Mrs. GREY. Mr. Dalby's report.

Senator BRANDEGEE. Was it approved by Mr. Garfield?

Mrs. GREY. Oh, yes, sir.

Senator BRANDEGEE. And by the President?

Mrs. GREY. I do not think the President has ever read it. The President is a pretty good cattleman, and when Mr. Dalby said that he rode through this cattle range—the cattle in their winter coat, mind you—and he himself counted a thousand head of cattle, in which he detected 260 Indian brands, while he was riding through casually, President Roosevelt knows that it is a human impossibility as he describes what he did.

Senator BRANDEGEE. Have you, since the report that you have referred to, that was made to Secretary Garfield, complained further to the President?

Mrs. GREY. When Mr. Dalby came there, and before beginning his investigation at all, he arrested me, and I was put in jail and kept there for three months, literally kidnaped.

Senator BRANDEGEE. What was the charge against you?

Mrs. GREY. The charge was taking money from the Indians. When I came here to Washington, as I told you a little while ago, I went to Billings, and they gave me $310 to come here for my expenses. I came here and told Secretary Garfield I had it; I told Mr. Dalby that that was where I got the money, and they said, "In that case you will not mind if you do not publish"—of course I had a mighty good story to publish and was going to publish it. That was what I was going to come out even on. They paid my expenses and I was going right back.

Senator BRANDEGEE. I asked you whether you had complained to the President that this report of Mr. Dalby's was false?

Mrs. GREY. The night before Mr. Dalby arrested me I telegraphed to the President what Mr. Dalby was doing; that he would not allow us an interpreter, and would not allow us time to get witnesses there, and protested against it, but that is all I have done because I have had no opportunity to do more. I have been under arrest all this time.

Senator BRANDEGEE. You have not been under arrest since you have been in Washington?

Mrs. GREY. No.

Senator BRANDEGEE. How long have you been here?

Mrs. GREY. Just about a month.

Senator BRANDEGEE. Have you been to see the President?

Mrs. GREY. Certainly not. What do you think they would do with me?

Senator BRANDEGEE. I think you would be received with great courtesy if you requested an audience with the President.

Mrs. GREY. If you can make the opportunity for me to go, there is nothing that I would like better.

Senator BRANDEGEE. Well, I am not the President nor his secretary.

Senator PAYNTER. I would like to ask a question. You started to say some time ago that you told somebody here in the city, the Indian Commissioner and Mr. Garfield, that you had received $310, and you had a good story to publish, and then you started to say something about somebody telling you not to do it.

Mrs. GREY. Yes. Senator Clapp, you have that letter from Mr. Garfield and Mr. Dalby both, in which they go into this matter, and Mr. Leupp as well, that they would make the investigation out there, but if I published it I would give them all away, and the agreement was that I would not publish and they would make the investigation in the way I wanted it.

The CHAIRMAN. Have you those letters?

Mrs. GREY. They are over in the office; yes, sir.

Senator SUTHERLAND. They wanted you not to publish your story because they feared, or at least you say they feared, that it would interfere with the investigation?

Mrs. GREY. Yes.

Senator SUTHERLAND. You had already received money from the Indians, and therefore it would not be of any pecuniary benefit to you to forego publishing. That is the point, is it?

Mrs. GREY. Yes; that is the point. I did not publish a single thing till after my arrest.

Senator SUTHERLAND. You say you were arrrested out there and were in jail for three months?

Mrs. GREY. That is correct.

Senator SUTHERLAND. Were you tried?

Mrs. GREY. Yes; I had a hearing before Judge Mann.

Senator SUTHERLAND. Is he a justice of the peace?

Mrs. GREY. He is a United States commissioner at Billings.

Senator SUTHERLAND. What did he do, commit you for examination?

Mrs. GREY. Yes.

Senator SUTHERLAND. Then what became of the case?

Mrs. GREY. I was bound over to the grand jury and was put in jail at Billings. I wrote to my friends for bail, but my letters were never received. Judge Lindsay was a man that I wrote to in Denver, and later I wrote him the second time. He said he never received my letter. I also wrote to my brother-in-law, Mr. Asa Briggs—Senator Clapp knows him, and he knows he would not let me stay in jail if he could get me out. I did not intend to speak about this at all.

Senator SUTHERLAND. What ultimately became of the case?

Mrs. GREY. They brought every power that could be brought against me before the grand jury. They had Mr. Morrill, of the Lincoln Town-Site Company, there with all his money; and Mr. Dalby was there; and they had letters from Mr. Garfield that Mr. Reynolds used with one of the trial jurors; and the chief of police of the Indians had a letter.

Senator SUTHERLAND. What became of the case?

Mrs. GREY. It was dismissed; they could not indict me.

Senator SUTHERLAND. You were not indicted?

Mrs. GREY. No; they could not do it.

Senator DIXON. The grand jury sat at Helena for three weeks and heard all this, did they not?

Mrs. GREY. They were there forty-nine days.

Senator DIXON. And they examined probably one hundred witnesses, did they not?

Mrs. GREY. Yes; probably more than that.

Senator DIXON. And there was a unanimous report?

Mrs. GREY. I beg your pardon, there was not a unanimous report.

Senator DIXON. What was the report?

Mrs. GREY. The report was written by Mr. Dalby.

Senator DIXON. Mr. Dalby wrote the report of the grand jury?

Mrs. GREY. Two of the jurors came to me and told me that they had never seen that report. Mr. Sniffen was there and heard them say the same thing, that they had never seen the report until Mr. Johns, who was the clerk, presented it. Mr. Sniffen has an article of his in one of the papers, which he afterwards became editor of, which will show the kind of a man he is. He produced this document—whatever you want to call it; it was not a report.

Senator DIXON. Mrs. Grey, did not the Federal grand jury at Helena unanimously sign this report after forty-nine days of investigation?

Mrs. GREY. I do not think any of them signed it at all.

Senator DIXON. Did the Federal grand jury return it to Judge Hunt's court in Helena?

Mrs. GREY. Mr. Johns did, and the foreman did. There were several of the jurors who protested very much against it and did not want it done.

Senator DIXON. Was there not a unanimous report in the Federal court at Helena after forty-nine days of investigation, in which they said they had gone into this matter fully and that there was nothing whatever in the charge?

Mrs. GREY. No; they did not. That was the report that was put in and was written by Mr. Dalby. I will give you the names of the men, who were very indignant. If they had indicted me, my attorneys were going to poll the jurors and get each one to say why he had changed his mind from the time he went in during these forty-nine days before he voted against it. It was not a unanimous report, and there was not a word of truth in it. They said I had my witnesses there. The witnesses that the United States attorney called were the 100 witnesses against whom the charges were made. They did not call the witnesses that I wanted. They called only witnesses for the State.

Senator DIXON. You now state that the grand jury did not bring in a unanimous report?

Mrs. GREY. I do not think it was a unanimous report; no.

Senator DIXON. Are you stating that as a fact?

Mrs. GREY. I am stating this much as a fact, that two of the jurymen came to me after it was over and said that it was a most outrageous thing.

Senator DIXON. Those were the grand jurors who sat in the case?

Mrs. GREY. Two of the grand jurors; yes.

Senator DIXON. The grand jury voted 11 to 7 to indict you, did it not?

Mrs. GREY. The grand jury was 10 to 7.

Senator DIXON. Ten to indict and 7 to acquit?

Mrs. GREY. Yes. When I went in the first time—on the first day—there was not a single juryman against me, except two, Johns and one other man. Mr. Pickett said they took only twenty minutes to decide the case. When the jurymen heard the story of this case they asked Mr. Rosch, who was the district attorney, to allow me to be called, as they wanted to hear my side of the case. He refused to allow me to be called.

The CHAIRMAN. What grand juror told you that?

Mrs. GREY. That was said to my attorney.

The CHAIRMAN. I thought you said it was a grand juror?

Mrs. GREY. The grand jury asked Mr. Walsh, my attorney, to have me called.

The CHAIRMAN. I ask you again, then, what grand juror it was?

Mrs. GREY. I do not know the names of the men who did it, but that was a fact, because the grand jury was taken three times before Judge Hunt before I was called—you know that, I guess.

Senator DIXON. No; I was here in Washington.

Mrs. GREY. Well, they were.

Senator DIXON. I want to know everything that occurred; I am very anxious to know it. I have seen the Montana newspapers and I have seen the report of the grand jury.

Mrs. GREY. You saw the report probably that was in the Record, that Mr. Dalby wrote, and of which he had a special edition struck off and sent around to the different people. You did not see the one in the Independent?

Senator DIXON. Yes; I have seen all of them. Then, you now state to the Senate committee that Dalby wrote the report of the Federal grand jury?

Mrs. GREY. I say that two of the jurymen told me that.

The CHAIRMAN. Now, what two jurymen told you that?

Mrs. GREY. I suppose it is all right for me to give their names, is it not?

The CHAIRMAN. It certainly is; that is what we are here for.

Mrs. GREY. It was Mr. Peterson and Mr. Drake.

The CHAIRMAN. Do you know their initials?

Mrs. GREY. I do not know; it is a little bit of a town. Mr. Drake lives in Billings.

The CHAIRMAN. Where does Peterson live?

Mrs. GREY. At the Capital Café; it is on the principal street of Helena. What is the principal street there?

Senator DIXON. Main street.

Mrs. GREY. The other one who did not vote against me and who was very indignant about it was Oscar Beck.

Senator DIXON. Of the Beck Laundry? Did you read the report of the Federal grand jury?

Mrs. GREY. No; I did not read all of that stuff.

The CHAIRMAN. Now, you say that Peterson and Drake told you that Dalby wrote the report for the grand jury?

Mrs. GREY. They told me they had never seen that report until it was put on the table and Dalby must have written it. Mr. Sniffen

was there and knows the same thing, if I am telling it a little differently.

Senator DIXON. Did the Federal grand jury, at the conclusion of their report, after this forty-nine days of investigation, use these words:

As for Mrs. Helen Pierce Grey, the lady charged by the Federal authorities with a violation of the statutes relating to the illegal securing of moneys from wards of the Government, the fact has been clearly established that the charges made by her were altogether visionary and entirely incapable of substantiation.

Mrs. GREY. Yes. May I take that paper for a moment, and I will read you something that comes before that—if this is the same one that I saw.

Senator DIXON. Will you please answer my question, if that was the grand jury's report?

Mrs. GREY. Yes, that is what I say; I saw it in the paper. I was not in court when it was read. The article further states: "To prevent any assertions of unfairness being made by either side after the grand jury adjourned, we allowed the widest latitude in our investigation," said a grand juror to-day. "The statement in this morning's paper that witnesses suggested by Mrs. Grey or the Indian Rights Association were not allowed to appear before the grand jury, is a deliberate falsehood. Every witness they suggested was called and testified. In most instances it simmered down to this: 'I don't know myself, but John Smith told me that Bill Jones said that Ike Hampton said'—this was largely the kind of testimony we were compelled to listen to." That is absolutely, utterly, totally, and wholly false. Our witnesses were *not* called.

Senator DIXON. This is a grand juryman's statement?

Mrs. GREY. No; this was a part of the report, I think. I wish you had gotten the Independent, because that account was far better. This was written by Dalby himself.

Senator DIXON. Dalby wrote the newspaper article?

Mrs. GREY. Yes; he was in Mr. Greenfield's room.

Senator PAYNTER. Who is Greenfield?

Mrs. GREY. He was the Associated Press correspondent out there, and on this same day or a little before this I wanted to get some press notices sent out from Helena and could not do it.

Senator DIXON. You were quite active in getting press notices out, were you not?

Mrs. GREY. No; this was the first one I had tried to send out.

Senator DIXON. In your charges filed in the Billings Inquirer——

Mrs. GREY. I did not file any charges there.

Senator DIXON. Did you write the articles?

Mrs. GREY. I did, and that is the paper they bought off; instead of suing for libel they bought the paper off.

Senator DIXON. The paper has suspended?

Mrs. GREY. No; it is published, and publishes against me now.

Senator DIXON. They have changed their attitude?

Mrs. GREY. Yes, sir; they changed very suddenly.

Senator DIXON. In those two articles in the Billings Inquirer you charged Secretary Garfield with malfeasance in office, did you not?

Mrs. GREY. Everything that it was possible to charge him with I charged him with.

Senator DIXON. You charged him with prevarication?

Mrs. GREY. Not prevarication, but deliberate lies.

Senator DIXON. You charged him with being interested financially in these schemes?

Mrs. GREY. No; I do not think I did.

Senator DIXON. Are you sure of that?

Mrs. GREY. I do not think I ever did, because I do not think he is.

Senator DIXON. You charged Mr. Leupp with prevarication also?

Mrs. GREY. Or absolute foolishness, I do not know which; he can have his choice. A man who will say that the Indian takes to sugar-beet raising as a German takes to science or an Italian to art, you know it is absolutely absurd.

Senator DIXON. Did you or not, in these newspaper articles printed in the Billings Enquirer, charge Commissioner Leupp with lying?

Mrs. GREY. I do not know whether I did or not; I charged him with most everything on earth.

Senator DIXON. Did you charge him with being financially interested in this matter?

Mrs. GREY. I do not know whether I did or not. The fact is I never read those things after they were written.

Senator DIXON. But you wrote them?

Mrs. GREY. I wrote them; yes.

Senator DIXON. You charged the Commissioner with being interested in the Lincoln Townsite Company, did you not?

Mrs. GREY. Yes. It is funny you never heard of that.

Senator DIXON. Did you not charge him with being interested in the Lincoln Townsite Company?

Mrs. GREY. If you want to say I did, I did. I do not know whether I did or not. I do not know whether he is or not.

Senator DIXON. Did you in those written articles charge——

Mrs. GREY. If you have ever written for newspapers you will know that you write an article and turn it out, and that is the end of it. You do not remember always what you write. I know the gist of what I said.

Senator DIXON. What was the gist of the charges against the Commissioner?

Mrs. GREY. Just what I told him when he was here; that was my charge against him.

Senator DIXON. I am asking you now what was the gist of your charges against him.

Mrs. GREY. Just exactly as I have stated. He came to the Crow Agency in a private car of the Burlington Railroad with the general superintendent of that road, and the car was switched off to the Crow Agency with the general superintendent, Mr. Gillette, who was a member of the Lincoln Townsite Company.

Senator DIXON. Did you charge him in these articles with being financially interested in the Lincoln Townsite Company?

Mrs. GREY. I do not know that he is.

Senator BRANDEGEE. Do you know whether or not he is?

Mrs. GREY. I say I do not know. He was very closely connected with them.

Senator BRANDEGEE. But you have made the charge. Do you know anything about it?

Mrs. GREY. I say he probably was, and if he was not he was scarcely the man to protect these Indians against those people. I think I remember saying that if he came there so closely associated with them, and so indebted to them, he was not the man to protect the Indians against those people.

Senator DIXON. Did he come to Billings in a private car?

Mrs. GREY. Yes; he did not say it was not so. He came with Mr. Gillette and the car was switched off there.

Senator DIXON. He tells me differently now.

Mrs. GREY. He told me at the time that he did, and he did.

Senator DIXON. No matter what he says now?

Mrs. GREY. He told me he did; he never denied it.

Senator DIXON. He will be the best evidence as to that.

Senator PAYNTER. Do you mean he told you that he did, or that in talking about it you said he did and he did not deny it?

Mrs. GREY. When I made the statement his reply was just what I have said. "I can prove by Mr. Curtis that I paid my fare." That was his reply to the whole thing; just as he said when he was here a moment ago.

Senator CURTIS. Do I understand you to charge that the Government officials know that this Lincoln Townsite Company has charge and control of 13 town sites of the irrigated land, or the land under the irrigation project of the Government?

Mrs. GREY. Now, you know, Senator Curtis, I am not positive whether they did or not. If these charges that I made, and which I spoke of, come, you will see that I mentioned the Lincoln Townsite Company as acquiring land to which they had no right, and it was not proper and should be investigated.

Senator CURTIS. And that the Government should know——

Mrs. GREY. Yes; whom these lands belong to and how they got them.

Senator CURTIS. This led you to charge that they knew of two town sites at least owned by this Lincoln Townsite Company on the Crow Reservation?

Mrs. GREY. Yes; they must have, because they have acquired the land. The land was sold last May, and if you remember a short while ago there was a bill which Senator Dixon got through allowing them to mortgage their land. Those are the settlers who came to Montana and allowed them to mortgage their land on the Crow Reservation.

Senator CURTIS. To allow what?

Mrs. GREY. The settlers, the homesteaders. This is right down in the district. This was all the Crow Reservation at one time. The towns there belong to the town-site company. You know Hardin, do you not?

Senator DIXON. I do not.

Mrs. GREY. You know who Carl Rankin is, do you not—do you read the Billings Enquirer?

Senator DIXON. I never saw it; I saw it on the Secretary's table.

Mrs. GREY. The Billings Gazette, that stands better with you. That is Mr. Moss's paper. That had an advertisement about like that [indicating]. John Rankin, agent for the Lincoln Townite Company; residence, Crow Agency.

Senator DIXON. You also charge Colonel Rankin of Senator Curtis's State of being financially interested.

Senator PAYNTER. Who is he?

Mrs. GREY. He is the alloting agent.

Senator DIXON. What did you charge Colonel Rankin with?

Mrs. GREY. I said the dead allotments of the Crow Reservation were grouped along the east side of the Big Horn River and no allotments were put there; that the Indian who was allotted there had not agreed to sell. That has been all denied, but the fact remains that every allotment in there is now in the hands of these people.

Senator DIXON. Of the Lincoln Townsite Company?

Mrs. GREY. The Lincoln Townsite Company is very elastic; sometimes the members would buy lands individually and sometimes the company bought, as they did at Hardin and Custer. Those towns there are in the name of the Lincoln Townsite Company.

Senator SUTHERLAND. You said the allotments were in the hands of the company; did you mean that?

Mrs. GREY. Yes; dead allotments.

Senator SUTHERLAND. In what way are the allotments in the hands of the company?

Mrs. GREY. They have been bought.

Senator SUTHERLAND. How could they buy the allotments?

Mrs. GREY. They were sold to the highest bidder.

Senator CURTIS. At public auction, were they not?

Mrs. GREY. I do not know; it was all done at the Crow Agency.

Senator CURTIS. Well, they have a regular form, have they not, that applies to every Indian reservation in the United States?

Mrs. GREY. Secretary Garfield said that he was perfectly satisfied with the way it was done, but the fact remains that they did get all of the land.

Senator CURTIS. This same company?

Mrs. GREY. Yes; or those allied to them.

Senator DIXON. They were the high bidders at the sale, were they?

Mrs. GREY. I do not know; I was not there, and I do not know anything about it.

Senator CURTIS. You said something about the cattle owned by the Indians. Did you make any charge with reference to the management, or handling rather, of the tribe herd up there?

Mrs. GREY. Yes; the Indians had this big herd of cattle. That was during Mr. Edwards's reign, and they were all stolen through the Garvin Basin, most all of them. It happened that Mr. Edwards was agent there, and the Indians had all gone to a circus up at Billings, and the police who were up in this district were all removed; there were no police up in this end of the country at all, and the Indians' cattle went over in the basin. Two men were arrested and sent to the penitentiary—they did not deny it—Bob Lee and Sam Garvin—for stealing these cattle. They served each a year. Bob Lee is Mr. Edwards's closest associate in business, is he not?

Senator DIXON. I do not know, I am sure.

Mrs. GREY. You know Mr. Edwards?

Senator DIXON. Yes.

Senator CURTIS. Mr. Edwards was Indian agent at that time, was he?

Mrs. GREY. Yes.

Senator CURTIS. Where does he live?

Mrs. GREY. At Forsythe.

Senator PAYNTER. You say he was convicted of stealing cattle?

Mrs. GREY. Not he; those other two men.

Senator CURTIS. Do you know how many cattle were stolen at that time?

Mrs. GREY. I do not know, but the herd practically, because when they came to issue their herd afterwards there was not one to go around; there were 1,700 odd Indians, and after that they had $86,000 worth of cattle put on and they were supposed to be issued to the Indians, and I know a great many of them who never got any of those cattle.

Senator BRANDEGEE. What do you claim was wrong in the way these allotments were acquired by the Lincoln Townsite Company?

Mrs. GREY. When Mr. Rankin was making the allotments on the Crow Reservation—they must sell the dead allotments, you know—the dead allotments were put along the east side of the Big Horn River. That is a very fine piece of land. The orphan children were put there—a great many of them, and Mr. Reynolds was appointed guardian for the children. Now, those lands have been acquired; they have passed out of the hands of the tribes; in other words, they are now held by the Lincoln Townsite Company and the people who are with them.

Senator BRANDEGEE. But I ask you this, if the law provides that dead allotments, as you call them, shall be sold at public auction to the highest bidder, and this company was the highest bidder, or its members were the highest bidders, what is unlawful about that method of disposition?

Mrs. GREY. Simply that it is a very great scandal all through Montana. They talk about it. You must have heard them talk about the way Fred Foster got all that land.

Senator BRANDEGEE. If it is according to law, what is the cause of the scandal about it?

Mrs. GREY. It was unlawful for Mr. Bear to get his permit for his sheep to go on the land; he got that unlawfully and it was a fraudulent approval.

Senator BRANDEGEE. If this transaction has been done according to law, what do you want us to do about it?

Mrs. GREY. I want you to investigate the matter before the Crow Reservation is opened—before you take a million dollars of Indian money and put it in the hands of these people.

Senator GAMBLE. Did you ever hear of a bidder for these lands, as competitors of this town-site company, who bid higher than the town-site company did, yet they did not receive the land?

Mrs. GREY. I have never gone into it at all. That was a matter that I asked to have investigated. I gave you the fact that the town-site company owned the land, and the way it had been acquired.

Senator DIXON. In order that this might be perfectly clear I will say that the Burlington Railroad cuts across the southeast corner of the reservation. The 13 town sites that she complains of as now being owned by the Burlington Railroad are on the north side of the ceded strip, under the Government irrigation canal. The town site is on both lines of road.

Mrs. GREY. Yes; but both lines of road are under one management in Montana.

Senator DIXON. That is news to me, too, Mrs. Grey. The Northern Pacific and Burlington road?

Mrs. GREY. Is there any difference between two trains that run cars interchangeably?

Senator DIXON. I never knew they were under one management.

Mrs. GREY. Yes; you know the name of the general superintendent there. He runs both roads.

Senator DIXON. That is news to me—that the Burlington and Northern Pacific have the same superintendent.

Mrs. GREY. Did you ever hear of the Northern Pacific mergers?

Senator DIXON. Yes.

Mrs. GREY. You know they are still in effect, do you not, and that they apply to this district?

Senator DIXON. I did not know that they had the same division superintendent. I am quite positive that you are mistaken about that.

Mrs. GREY. He runs down the two lines. I know it very well. I think his name is Allen.

Senator PAYNTER. During the early part of Mrs. Grey's testimony the impression seemed to prevail with Senator Dixon, and Senator Sutherland also seemed to think that title could not be acquired to these town sites by the Government, but from what Senator Curtis said it seems to me it can be done.

Senator DIXON. That is what I want to say, so that you will not get it confused. Here [indicating on map] is the Burlington line; it is still in the Indian reservation, and, as I understand from Mrs. Grey's story, the Lincoln Townsite Company have bought allotments along the line, which is now in the limits of the reservation.

Senator PAYNTER. Can the title to dead allotments be acquired by purchase?

Senator DIXON. Yes; under the law they can be purchased. He says, also, that the Lincoln Townsite Company owns these 13 town sites which were laid off by the irrigation company.

Senator PAYNTER. But the title ought to be in the Government?

Mrs. GREY. I think there was an act—and I asked Mr. Savage that very question when I was in Billings. I said, "How did they get those town sites?" He said, "They acquired them."

Senator BRANDEGEE. Have you any evidence to show that they have got them?

Mrs. GREY. The records will show.

Senator BRANDEGEE. What records?

Mrs. GREY. The land records.

The CHAIRMAN. She stated, Senator Brandegee, before you came in, that Mr. Savage showed her a map——

Mrs. GREY. I have the map.

The CHAIRMAN. You said that Mr. Savage showed you a map, and on the map he had marked these town sites, and he told you that they belonged to this town-site company.

Mrs. GREY. Yes.

Senator BRANDEGEE. But I am asking her what records show that?

The CHAIRMAN. The only record that she has referred to is the map shown by Mr. Savage.

Senator BRANDEGEE. But what was that map?

Mrs. GREY. It was a map that was issued by the project itself. It was just a little map published by the Burlington road, by the Lincoln Town-Site Company.

Senator BRANDEGEE. You do not claim that that is a record which is reliable to show the ownership?

Mrs. GREY. No; he simply gave me this map and said, "These are the townships."

The CHAIRMAN. That is Mr. Savage, of the Reclamation Service.

Senator BRANDEGEE. I know it, but that is not a record.

Mrs. GREY. But in the office at Billings there must be a record.

Senator BRANDEGEE. I am asking where the record is.

Mrs. GREY. I was arrested, so I do not know. I could not find out anything up there.

Senator BRANDEGEE. Don't you know where the records showing the title of this land are?

Mrs. GREY. I went to the land office at Billings and tried to find out something about the records there and they said all the records were kept at the agency. It was something about this dead allotment land, and I can not say. I do not know where they are.

Senator SUTHERLAND. There must have been some misunderstanding or mistake about it; because, as I understand, the lease of these town sites could only be acquired by actual occupants. They would not be sold; a town site could not be sold to a company. I do not understand any way by which it can be acquired.

Mrs. GREY. I will give you the map that Mr. Savage gave you, and you can take it as a guide.

Senator PAYNTER. Did you make and file a copy of these charges with the Commissioner of Indian Affairs?

Mrs. GREY. Did I do what?

Senator PAYNTER. Did you specify these various charges against the management out there with the Commissioner of Indian Affairs?

Mrs. GREY. I tried to file them with him.

Senator PAYNTER. We could get the charges she made.

Mrs. GREY. When I came to give them to him, Mr. Conser told me that Mr. Leupp was indefinitely engaged, so I took the charges and went over to the President and left them with him. Mr. Dalby has them. I do not think there will be a bit of trouble in finding them.

The CHAIRMAN. It is now 12 o'clock and the committee will stand adjourned until to-morrow, Thursday, April 2, 1908, at 10 o'clock a. m.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., April 2, 1908.

The committee met pursuant to adjournment at 10 o'clock a. m.

Present: Senators Clapp (chairman), Sutherland, Brandegee, Curtis, Brown, Dixon, Stone, Paynter, Owen, McCumber, Gamble, Taylor, and Johnston.

STATEMENT OF HON. JAMES R. GARFIELD, SECRETARY OF THE INTERIOR.

The CHAIRMAN. The committee will now hear Secretary Garfield.

Secretary GARFIELD. Mr. Chairman and gentlemen, I simply desire to say that the President directed that Mrs. Grey be given every facility in the Indian Office for the purpose of preparing a statement of the charges which she desired to make against the agent at the Crow Indian Agency. At that time Mrs. Grey had no statement in writing. She was given every facility at the office to obtain all the papers from the records that she desired, and to search for every paper in the records which she might care for. As a result of several days of such investigation, Mrs. Grey had prepared—whether from her own dictation or not I do not know—a statement which was presented to me and which appears in my files in file No. 5236, part 1. This typewritten statement was used as the formal charges made by Mrs. Grey against the Indian agent, and upon those formal charges the investigation was ordered.

The CHAIRMAN. Is this the only written statement that you know of that has been presented by Mrs. Grey in this proceeding?

Secretary GARFIELD. It is; yes, sir.

The CHAIRMAN. Will you please hand it to the reporter for identification?

The paper referred to was marked "Exhibit J. R. G. No. 1," and appears in the Appendix, pp. 604–623.

STATEMENT OF MRS. HELEN PIERCE GREY—Resumed.

Mrs. Helen Pierce Grey having resumed the stand, testified further, as follows:

The CHAIRMAN. Now, Mrs. Grey, you may resume your statement.

Mrs. GREY. By way of introduction I submit certain letters that will establish my reputation as having been a writer and a person of responsibility, at least before I got into this matter.

About the last week of October, 1906, I went to the Crow Reservation, and have been arrested since then six times, being bound over to the grand jury on a charge of obtaining money from the Indians, and making a contract with them without the consent of the Secretary of the Interior. The arrest was made under the direction of Secretary Garfield. (See report of Mr. Dalby.) The charge was technical. The stenographic report of my preliminary hearing is attached; it has been in the hands of some of the best lawyers of the United States, who say there is nothing in it whatsoever on which anyone could be

Heinrich Cattle Company came to get this Bull Mountain cattle when Mr. Reynolds was first made agent.

Two Indians, Charles Yarlet and Ten Bear, were hired to drive these cattle on the reservation, and afterwards as cowboys, working under Heinrich's agent, Cark Leiter, who is on the Government roll, drawing a salary of $75 per month as boss herder. Now, there has not been a herd, I think, since 1902, yet before the grand jury we proved that he was drawing this money. Mr. Dalby's report says that he was working as agent for Heinrich. He was running his own cattle, and he was drawing this money, and the records will show that.

Senator DIXON. You say there was no Crow herd at this time?

Mrs. GREY. That is what they brought out before the grand jury, that there was none.

Senator DIXON. And has not been since 1902?

Mrs. GREY. 1902, I think, was the time it was issued. There were some other cattle put on afterwards, so they say, but the Indians seem to differ from those who were at Helena, and I do not know how it is. That is something that will have to be found out. There was $86,000 spent for cattle. The Treasurer's report shows that it was spent. Whether the cattle were put on the reservation is yet to be decided.

Senator SUTHERLAND. When you say this man was drawing a salary of $75 a month, do you mean it was from the Government?

Mrs. GREY. From the Government as boss herder. He was first carried as an irregular employee, and from the letters that were produced before the grand jury it may be stated that he is now on as one of the regular employees on the roll. At the time of the grand jury, when Ten Bear was wanted as a witness against the agent, it was found that he had been thrown into the agency jail on some charge unknown, which his cousin, Arnold Costo Prior, could not find out, except that Van Hoose, the farmer, had ordered him arrested on a charge of drunkenness that occurred, it was alleged, two months previous. They tried to find out why Ten Bear was arrested. From the last letter I had from him he was still in jail serving his sixty days' sentence. It is the universal belief of the Indians that Ten Bear was thrown into jail solely because he would have been too strong a witness. He has never been known to drink.

Senator SUTHERLAND. Was he convicted before some court?

Mrs. GREY. Oh, no; they don't have any court. All they do is to say, "Put this man into jail," and he goes into jail.

Senator SUTHERLAND. On whose order was he sent to jail?

Mrs. GREY. Mr. Reynolds's.

Senator SUTHERLAND. The Indian agent?

Mrs. GREY. Yes. Mr. Van Hoose, when he was in Helena at the trial, was asked why Ten Bear was in jail. He said: "I did not arrest him; I sent him over to the agency. Mr. Reynolds wanted to see him." He said he was not arrested.

Senator SUTHERLAND. Is he in jail awaiting trial for something, or has he been convicted of something?

Mrs. GREY. No; they don't have to have any trial. They take them and put them in jail. They took me plenty of times and put me in jail. If they did that to me, what would they do to the Indians? That was one of the regular things we protested against there.

Senator DIXON. There was a complaint filed against you by the United States commissioner, was there not?

Mrs. GREY. Not the first five times I was arrested. I was arrested, but they did not hold me over night.

Senator DIXON. They arrested you and put you off the reservation, did they not?

Mrs. GREY. No; they arrested me and were going to put me into the insane asylum.

Senator DIXON. Were they going to arrest you for insanity?

Mrs. GREY. Yes; they said I was insane. They got this doctor, who quarantined the reservation for smallpox.

Senator DIXON. They did not file any charges of insanity against you, did they?

Mrs. GREY. No; because I prevented it. You know Fred Server? He is the one who keeps the hotel at the agency. They said I was insane, and they put it through the town that I was insane and they were going to have the commission sit there while I was there. I was not under arrest then, but had been the night before. I was too ill to leave my room. The hotel keeper locked the door and said they could not come in. He wired for Doctor Marshall, and that ended the matter; but they had told it everywhere that I was crazy. You must have heard of that?

Senator DIXON. No; I am not familiar with this matter.

Mrs. GREY. If you have not, you are the only one who has not.

Senator DIXON. I have read in the newspaper about the grand jury.

Mrs. GREY. You know what sort of stuff they are writing. I do not refer to the Billings Enquirer, because I wrote that myself, and I will say that it was as nasty as I could make it, but I had to do something. When a Cabinet minister causes the statement made before the chief of police that I am a dangerous blackmailer, and it is done while he is right in town, what chance have I among strangers?

Senator DIXON. What Cabinet officer told you that you were a blackmailer?

Mrs. GREY. It came directly from Secretary Garfield to the executive officers of the Indians Rights Association. He said I was an adventuress. That was the thing they have been giving out far and wide. Is that not right, Mr. Garfield?

Secretary GARFIELD. It is very far from right, Mrs. Grey.

Mrs. GREY. That is the way it came to me, and Secretary Garfield was in Billings at the time the report was made that I was a dangerous blackmailer.

Secretary GARFIELD. I do not care to interrupt Mrs. Grey's statement, but the statement which she has just made is without any truth whatever.

Mrs. GREY. The matter I have stated is a matter of record with the chief of police in Billings.

Senator DIXON. Secretary Garfield was not in Billings, was he?

Mrs. GREY. He was in Billings at that time. It was the time of the opening of the Huntley project.

Senator SUTHERLAND. Do you know that it is a matter of record that the Secretary interfered in the matter: is it a matter of record somewhere that Secretary Garfield did these things that you speak of?

Mrs. GREY. Yes; it is in Mr. Dalby's report that he went over the case with Secretary Garfield.

Senator SUTHERLAND. That is stated in his report?

Mrs. GREY. Yes. I think it states it in just that many words. Is that not right, Mr. Sniffen?

Mr. SNIFFEN. I have the report here.

Mrs. GREY. We will bring that out afterwards. There has been very much said that I can not remember in the report, but it is my impression that it is in the report. I know that the matter of my being charged before a chief of police as being a blackmailer is a matter of record in Billings.

Senator DIXON. Who made the charge that you were a blackmailer?

Mrs. GREY. It was from Mr. Dalby and Mr. Reynolds, while Secretary Garfield was in town. They all came up to the opening, and Mr. Dalby says in his report—he made this report to Secretary Garfield—that the case was complete against me at this time.

Senator DIXON. You said that he charged in the police court that you were a blackmailer.

Mrs. GREY. No, sir. I said to the chief of police at Billings.

Senator OWEN. You do not mean to say that Secretary Garfield made the charge against you, do you?

Mrs. GREY. What I mean to say is that Mr. Dalby said in his report that he came up from Crow Agency and went over the matter and made the full report to Secretary Garfield. They were all in town at this time, and at that time this charge was given to Chief Talgo that I was a blackmailer, and it came from this source. Now, Secretary Garfield had received the report of these subordinates, and naturally I suppose he knew what they were doing, and I think Mr. Dalby in his report says he went into it fully with Mr. Garfield. I know also from the letters that were written afterwards, that came to the Crow Reservation, that Secretary Garfield wrote that anyone who opposed the agent would have to leave the agency. Is that not right?

Secretary GARFIELD. The record will speak for itself, Mr. Chairman.

Mrs. GREY. There were these three letters that I know of that came. One was to the Indian chief of police, Big Medicine, just as they were coming to the trial in Helena. I do not think you will find I am mistaken even in the records, let alone the inference.

The Indians complain, even more bitterly, of the Bair sheep. C. M. Bair has permits to run 35,000 sheep in the Pryor district, he paying $7,000. The records of the Department show gross fraud, in which the agent was a party, by which these sheep were allowed on the reservation in place of those of T. J. Murphy, of Helena (we went into all this yesterday), who bid $8,600 for the same privilege. The Bair sheep, having permits on 400,000 acres of unallotted land in the Pryor district, are to be found all over the district on allotted and unallotted land, too, in all districts of the Crow Reservation.

Senator DIXON. You testified yesterday that you were only in and upon one of the six districts of the reservation. Now you are making charges against the whole reservation as to these sheep.

Mrs. GREY. I say the records of the Department show gross frauds. You will find the protest from the Pryor district from Big Horn in the Department, and I was in the other districts.

Senator DIXON. But what I want to know is this: You testified to the committee yesterday that you were in only one of the districts of the reservation.

Mrs. GREY. No; I have been on other districts. The Crow Agency is a district, with Black Lodge between that and Lodge Grass.

Senator DIXON. How many of the districts were you on?

Mrs. GREY. That I can not say, because I do not know the boundaries of the districts. I never was in the Pryor and never in the Big Horn district; I think I have been in all the other districts, but I do not know, because I do not know where the boundaries are.

Senator DIXON. Are these sheep running on the allotted lands in the Pryor district?

Mrs. GREY. Yes; they are.

Senator DIXON. If you were never there, on what do you base that statement?

Mrs. GREY. On the protests that are on file in the Department. The Department records will show that they are there.

Senator DIXON. Are the sheep now grazing on the allotted land in the Pryor district?

Mrs. GREY. I do not know. Mr. Dalby persuaded Mr. Bair to put them back again to help the Indians. I think most of them are gone back now, but I do not know.

Secretary GARFIELD. Not wishing to interrupt Mrs. Grey, I will say that if she, in referring to Department records, will indicate what records they are, I will see that they are all presented to the committee—any ones that she desires.

Mrs. GREY. Those are the records of the transaction which referred to the putting of the Bair sheep on the reservation. There was a letter of Plenty Coos and some letters of Mr. Reynolds, and a letter of protest from the Indians, and Mr. Murphy's telegrams with reference to that permit. There is a whole lot of correspondence that I saw when I was here last year.

Secretary GARFIELD. Are they referred to in the memorandum of complaint that you filed with the Department?

Mrs. GREY. Yes, Secretary Garfield.

Secretary GARFIELD. Then they can be readily identified?

Mrs. GREY. Yes, Secretary Garfield; I am not sure that they are; I haven't seen that memorandum for so long that I am not just sure, but I think they are. If they are not, they are covered here. It is the current report that Senator Carter is a part owner of these sheep. When I started to Washington in March, 1907——

Senator DIXON. When you charge Senator Carter with this, you say it is a current report. Do you charge it as a fact or a rumor?

Mrs. GREY. I say it is current report.

Senator DIXON. Then why did you not investigate a thing of that kind before making such a charge before the Senate committee?

Mrs. GREY. Senator Dixon, how much further do you think I ought to go in my investigation? I think there ought to be something left to me; there isn't much now. I have done my best to find out about things down there.

Senator DIXON. I say, before making charges you ought to have investigated them.

Mrs. GREY. I did not make the charge. All I know is that he is an intimate friend of Mr. Bair. I know that they went together on

a long automobile trip this summer, and they were supposed to have gone to the National Park, and instead of that they are said to have gone down the Yellowstone River, when the sheep were off the reservation, trying to find a place to put them.

Senator DIXON. Do you mean that Senator Carter was out on the range?

Mrs. GREY. He has been down there on this range.

Senator SUTHERLAND. What sheep are you speaking of, what sheep were they?

Mrs. GREY. Mr. Bair's sheep. Senator Carter and Mr. Bair have been at the hotel at Big Timber, and Mr. Al. Harrison—you know who he is?

Senator DIXON. No; I never heard of him.

Mrs. GREY. Well, you know Thomas Cruse.

Senator DIXON. Yes; I know him.

Mrs. GREY. Thomas Cruse is a brother-in-law of Senator Carter; he is in the sheep business. I do not know whether they were partners, but they were running the sheep business. Senator Carter and Mr. Bair came down there. Mr. Harrison had 18,000 lambs—it was in the fall—and he didn't want to sell them, and asked Bair to help him carry——

Senator DIXON. Are you testifying to what you know, or from rumors?

Mrs. GREY. I am testifying to what Mr. Harrison told me. He is a good, reliable cattleman down there. What I say you can verify. I am not telling any rumors, except when I say they are rumors.

Senator DIXON. You stated this as a matter of fact about their going down in the Yellowstone.

Mrs. GREY. Now, Senator Dixon, I want to say very carefully that I am not stating that as a fact. I know they were away on an automobile trip—that the two of them were away.

Senator DIXON. You say you know that?

Mrs. GREY. It was all in the newspapers. I was in Helena at the time they left and when they came back, and there was a great deal published about what they had done. Senator Carter took a very bad cold and was ill. You remember when General Young and Secretary Loeb came to Helena on their holiday vacation? They were there just at this time, and Senator Carter and Mr. Bair had just returned in time to meet them. I think they returned the same day. It was county fair time, and there were races, when Mr. Bair went home very much in disgust because he did not get the prize. You remember that?

Senator DIXON. No; I was in Washington.

Mrs. GREY. Well, it was all in the papers.

Senator DIXON. Are these matters that you are detailing now things within your knowledge, or are they newspaper rumors that you have heard?

Mrs. GREY. I was in the town of Helena. It was the common talk of the town and was in all the newspapers, and it is certainly a fact that they were together; I don't think anybody doubts that; but where they were I do not know; I would not say as to that. At one time they were down in this Yellowstone district, where Al. Harrison is, together. I am not sure that they were there last summer.

Senator SUTHERLAND. Is it, Mrs. Grey, upon that that you base the statement that Senator Carter is part owner of the sheep?

Mrs. GREY. I do not make that statement. I say it is current rumor.

Senator SUTHERLAND. Current rumor where?

Mrs. GREY. In this part of Montana. It is a fact that the two men are very close together and are continually out together, and that Bair does run a lot of sheep, and Mr. Bair, on this reservation, can put his sheep everywhere—he has the power—and Mr. Dalby in his report says that Mr. Bair probably does owe the Indians $800 for range he occupied. This is all in Mr. Dalby's report. It is the very basis of it. They would not allow Bair to do this unless there was some power back of him. I do not know whether Senator Carter owns the sheep or not, but I say it is the report in Billings. I will tell you who says he does, and that is Mr. Charles Yagen. He can probably give you a whole lot of information on this subject. Do you know him?

Senator DIXON. Yes, I know Mr. Yagen.

Mrs. GREY. He is a pretty good man, is he not?

Senator DIXON. He is a pretty good man, Judge Yagen.

Mrs. GREY. And he is one who says that there is no doubt about it.

Senator DIXON. Did he tell you this?

Mrs. GREY. Yes; when I was there this last time.

When I started to Washington in March, 1907, with a petition from the Indians to the President, Mr. Bair hurriedly trailed his sheep off of the reservation. It is his custom to shear at Reno farm, for which he was at that time paying rent, had put his shearing machines in order, and all arrangements were made for shearing at this place as usual. The Indians counted twenty-three bands (69,000 sheep) that crossed the bridge at Custer.

Senator DIXON. Do you charge that 69,000 sheep went out?

Mrs GREY. Yes; I charge that. When I went away the Indians said they would watch and see if those sheep were taken off. There was a rumor that Bair was getting his sheep off the reservation. So the Indians said they would watch and have somebody down at the Custer bridge to keep count, and they counted twenty-three bands. Ralph Sago wrote me, as the secretary of the Crow Indian Agency at Big Horn, and that letter was the one, I believe, sent to President Roosevelt, in which I said that they had taken out these twenty-three bands.

Senator STONE. Twenty-three what?

Mrs. GREY. Twenty-three bands of sheep. They run about 3,000 sheep to a band on the reservation. I have not seen those letters since, but I have that in a number of letters; I am not positive, but I think that this was the letter that Mr. Dalby made so much of, in which one of the Indians said: "Hurrah for the Crows." If you read his report you will find that. I think this is the letter in which he said there had been twenty-three bands taken off. It was in reply to that letter that I have Secretary Garfield's letter here. I will read that afterwards. Wool growers and buyers in this district took pains to inform me that Bair must have taken not less than 125,000 sheep off the reservation at this time, trailing them from 30 to 40 miles to Waco and Forsythe—I think that should be more than that. Is it not farther to Forsythe than 40 miles?

Senator DIXON. I am not sure; I do not know. This is 500 miles from where I live.

Mrs. GREY. I think it is, but I am not sure. Deserting his hay on the reservation, going into a country where hay was $18 a ton, and difficult to get after the hard winter. The sheep were fancy feeders, ready for the early Chicago market; were heavy with the wool, just at shearing time, and must have deteriorated in mutton not less than from $1 to $3 a head. Why did he take these sheep off the reservation? (See Inspector Dalby's report on C. M. Bair.)

Another cause of complaint by the Indians was that they were unable to get control of their allotments, or even find out where the boundaries of their allotments are, many having no papers of any kind whatsoever, being unable to get them. At my preliminary hearing Mr. Reynolds swore the Crows were not allotted. (See hearing.)

Senator DIXON. The Indian agent testified under oath that the Indians were not allotted.

Mrs. GREY. That the Crow Indians were not allotted. I have the stenographic report here. I should say it was perjury. He said "not an allotment stuck"—they are the exact words, I think—and he followed it up. As I say, I have the stenographic report here. That was done in order to prove that the Crow Indians were not citizens, because if the Crow Indians were citizens they could not hold me for making a contract with them. That was what the subject was, and he said they were not citizens, and "had not been allotted"—"not an allotment stuck;" consequently I was making a contract with wards of the Government; that was the charge. That was the testimony they used by which they bound me over to the grand jury and kept me in Helena for eight months and three months in jail. That was the only charge.

Senator DIXON. Who bound you over to the grand jury?

Mrs. GREY. Judge Mann. You know who he is?

Senator DIXON. I think I have heard of him.

Senator STONE. What is his position?

Mrs. GREY. He is United States commissioner.

Senator DIXON. At Billings?

Mrs. GREY. At Billings. He will do anything that he is told to do. When they brought me there, when I was under arrest—do you know Mr. Hathorn?

Senator DIXON. I know him.

Mrs. GREY. He is a brother-in-law of Mr. Reynolds. They arrested me for returning to the reservation. I was on it just about half an hour, if I was on the reservation, which I do not think I was.

Senator DIXON. After you had been ordered off?

Mrs. GREY. Yes, after I had been ordered off. I did not see an Indian. There was a young white boy there who reminded me of my son. He was the most homesick boy you ever saw in your life. He came down to the reservation from Pittsburg. He was working on some ditches on Don Hardy's place. He and I were on horseback and he said, "Come and see where I am working," and we went inside the fence and I went to see his ditches; he was living at Don Hardy's. It was the last allotment, next to the gate at Parkman. Hardy's wife is dead—it is a dead allotment anyway—and it was for being on the reservation in this way that I was arrested. I stayed one night in jail at Billings on that charge on $300 bail. I admitted that I had

been there. They could not have proved it if I had said I had not been there.

Senator DIXON. But why did you go back after you had been ordered off?

Mrs. GREY. I did not go back; I simply went inside the gate and came out. I was not on the reservation more than half or three-quarters of an hour, and I do not believe it was reservation there. It was a dead allotment. What I was going to say was that when they arrested me at Billings I went to the office of the chief of police; I was a stranger there and did not know anybody in the town except casually. I was in the room of the chief of police and Mr. Hathorn came in; I had met him before; he is a brother-in-law of Mr. Reynolds, and when I was at the hotel I had met him. I did not recognize him; I did not know who he was, but I knew he was somebody that I had seen before, and he had the appearance of a gentleman. I thought it was some one I knew, but I did not place him. He knew my name and said, "You will be more comfortable in the other room, Mrs. Grey; come in there." I did not know that I was going before a commissioner—they started my preliminary hearing and were half through it before I knew what they were doing, and I am a fairly intelligent white woman. Now, what do you think they would do with the Indians when they got them there? I made them stop. I said, "You are Mr. Hathorn?" He said, "You know me." I said, "No, I do not know you; if I had I would have been more careful." I said, "Send over for Mr. Harry Groves." They said he would not come, but I said he would; I said, "You send for him; if you do not send for him I am going out into the other room; you shall not have a hearing unless I have a lawyer."

I was before a United States commissioner, and when I got my bail the commissioner refused to take the bail, saying "I have no authority in this court: you have got to go back to the Crow Reservation;" and even when Mr. Graves wanted him to do it he would not, and the only way in which I was prevented from going into this awful place was because the deputy marshal, Mr. Smith, who came down from Helena to arrest me, said, "I won't give you up; you are my prisoner." That is the only thing that saved me. That is what the United States commissioner and this gang is. I am not telling you anything that can not be proved by Sheriff Webb and the under-sheriff and the detective who was with me. I can give you all their names. I saw them all when we came back from Helena, and a more indignant lot of men you could not find, over my treatment.

Another cause of complaint was the Government school. As I had lived for two months in the school building at the agency, I knew more of the terrible conditions there than the Indians themselves, having seen children with running sores of the most vicious character washed with a stiff brush that was used for all children alike with the one water. Now Mr. Dalby says that the Indians have this terrible disease. It is not because they do not know; they inoculate these Indians with this disease. It is the most abominable thing I ever knew in my life.

Senator CURTIS. How do you mean?

Mrs. GREY. I will just repeat that—having seen children with running sores of the most vicious character washed with a stiff brush that was used for all children alike—it is one of these cheap brushes

that you see for 5 cents—rough things that you would not wash your hands with. I protested against it.

Senator CURTIS. You saw that yourself?

Mrs. GREY. I saw that with my own eyes.

Senator CURTIS. They do not keep those children who have those sores in separate hospitals or separate rooms, do they?

Mrs. GREY. Indeed, they do not; there is no hospital there at all.

Senator CURTIS. How many children did you see there in that condition, about?

Mrs. GREY. I did not stop to count them.

Senator CURTIS. Well, three or four?

Mrs. GREY. No; almost every child in that school has sores or sore eyes—hardly one who has not. I will tell you what I saw. All over the reservation I found Indians blind, and almost invariably, when asked, was told that they had been pupils at the Government school. This is not so with the St. Xavier's mission school over in the Big Horn district.

Senator DIXON. Does this blindness come from mistreatment of the pupils at the Government school?

Mrs. GREY. I think that is where it starts. I do not see how they could help doing it; I do not see how it is possible for one to escape.

Senator DIXON. For what reason?

Mrs. GREY. Washing them in this way. When it is done every morning for eight or ten months it is bound to hit some time. Suppose they have a scratch somewhere, or it gets into the eyes; it is bound to take effect some time. What better way could you possibly conceive of inoculating these children with this disease? Could you think of anything better if you were trying to do it? And then letting them have this stuff that they have to eat or starve. Plenty Coos made a speech before Mr. Dalby at that council that we had at Gordons. If Mr. Dalby had had one single particle of manhood in him he would not have done what he did.

Senator DIXON. Who was this?

Mrs. GREY. Plenty Coos. In the speech he made he said, "Here my people are starving; my people do not want this lumpy-jawed beef; my people know what we are doing when we eat it." They are starving and have to do it. Anyone who comes in contact with those Indians knows that what I say is true. I have seen it myself. I have pictures of them; and it is not that alone, but some Indians were arrested by Charlie Bear for killing sheep, and the testimony of the Indians themselves was that they thought they were dead sheep, and they had a right to the dead sheep. He said, "He lets us have them." The sheep that have died of disease is what the Indians get on this land. The white man gets the land and gets the live sheep. That is what is going on on the Crow Reservation. It is the most abominable thing I ever knew. These people are absolutely helpless. If they say a word they are thrown in jail. It is so all over this reservation, and every white man who came to Helena to testify before the grand jury against them expected trouble. The Burlington agent at the Pryor district had orders from the Burlington Railroad not to sell a ticket to an Indian—and I have the order among these papers—unless he had a permit from the agent, because there was smallpox quarantine. They wanted to go up to the grand

jury to testify there. He sold three Indians tickets and was discharged for doing it.

Senator DIXON. Is this rumor?

Mrs. GREY. No; it is not rumor. I have letters here, and the man is only too anxious to come, and I think he wrote to Senator Owen to the same effect, but I do not know whether you have the letter or not.

Senator OWEN. I do not recall it.

Senator DIXON. You had over 100 witnesses before the grand jury, did you not?

Mrs. GREY. Not I; I made charges and the United States district attorney called the defendants; he would not allow me to testify before this or be called until the grand jury had been before Judge Hunt three times and compelled him to do it, and he then said he would allow me to come because I wanted to come so badly.

Senator DIXON. That was the United States attorney?

Mrs. GREY. Yes; Mr. Carl Rasch.

Senator DIXON. Was he in the conspiracy, too?

Mrs. GREY. Undoubtedly; they put him out of the grand jury room and he did not come in for two weeks afterwards. They would not testify before him, the witnesses. We came as near indicting him as any man could be.

Senator DIXON. Indicting the United States attorney?

Mrs. GREY. Yes; for his conduct.

Senator DIXON. Was Judge Hunt in the conspiracy, too?

Mrs. GREY. He was the one who ordered the investigation. Immediately afterwards Judge Hunt was sent to Portland to try the cases out there; Judge Dietrich came in his place. Judge Hunt was not present. He is one of the most honorable men in Montana.

Senator DIXON. Did Judge Dietrich come there?

Mrs. GREY. Yes; he said it was something he knew nothing about; that he was a stranger there. He said he did not feel that he ought in any way to interfere with Mr. Rasch. I did not know Judge Dietrich and have never seen him.

Senator DIXON. And now you charge Carl Rasch with being in this disgrace?

Mrs. GREY. Undoubtedly, unspeakably. There is not the slightest doubt about that. From the very fact that he called nobody but defendants and stood up—well, wait until I come to that. You know T. J. Walsh, do you not?

Senator DIXON. Yes.

Mrs. GREY. He was my attorney. As to the standing of T. J. Walsh and Mr. Rasch, I have the papers here, but wait until I get to that.

As I say, all over the reservation I found Indians blind, and almost invariably when asked, was told that they had been pupils of the Government school. I might say here that there was a Mrs. Sarah Mattingly from Washington, who was appointed as matron in this school. I have not seen her. She stayed there three weeks and could not stand it any longer, and I believe she said some things as to what they did in that school.

Senator DIXON. Had you ever been on an Indian reservation before this?

Mrs. GREY. Never before in my life, and I never want to go again to such a one.

Senator DIXON. And these are the only Indians you ever saw?

Mrs. GREY. No, sir; I was brought up among the Indians. I was born in Minnesota. I grew up on this Chippewa scrip business.

Senator DIXON. How is this that this was the only Indian reservation that you ever saw if you were raised among the Indians?

Mrs. GREY. I always had the idea, that all white people have, that Indians were something that you had to keep away from.

Senator DIXON. That is not an answer to my question. You say that this is the only Indian reservation you ever saw?

Mrs. GREY. Yes; that I ever saw or was ever on. I know quite a little since about other reservations, since I have been in Washington; I have been studying the Indian and not much else. I have also read letters, and it is enough to make anybody's heart ache. I do not see how you Senators can have these matters up before you and let them pass by. Because these Indians are defenseless is no reason why they should be robbed in the way they are being robbed.

Continuing. I saw one girl about 12 years of age returned from this school to her home near Gordons, the child of Flat Head Woman—I am not positive whether she was Flat Head Woman's or Blue Bird's child. Her face was one mass of corruption, and I believe it was contracted at the school. Anyway, she was there in this condition; her whole face was just one sore. She had just come home from school. A smaller sister of three had contracted the disease from her. The child's mouth was all broken out, as the disease could be taken from kissing her.

The child's parents did not know anything about it, but I told them not to kiss the child; that was the only thing I could say. You can not do anything in cases of that kind. Both girls were almost certain to go blind and no precautions were taken to arrest or cure or confine this disease. More than that, such was the character of Fred E. Miller, the chief clerk of the agency, that an elder girl named Agnes had her bed so placed that when Miller entered the sleeping room of the school girls Agnes would slip out and inform Superintendent Creel. Dick Cummings, half-breed, was also warned, I am told, to watch Miller while he was watchman at the agency school. Rev. J. G. Burgess, Crow Agency, made most horrible statements to the grand jury on this subject. There is no end of it. Mr. Dalby in his report admits it—not just this, but he admits much; he does not deny it. Naturally, as the Indians asked my advice I gave it, and told them to send a petition to the Department. They told me that they had frequently done so, had frequently written, and had asked for an inspector, but the only result of their strongest effort had been to bring punishment among themselves, their letters to the Department being invariably returned to the agent at whose mercy they lived. You can see what it has been to me in trying to get any kind of an investigation of this reservation, and if they had done this to me, what do you think they have done to these Indians? They are absolutely at the mercy of the agent. He has the power of life and death over these Indians. There is a case on the Navajo Reservation now that I have been reading of in Senator Teller's room, in which the soldiers made a night raid on a camp, and the citizens there have sent protests against it, and yet these Indians were

perfectly peaceable Indians. The soldiers were out on a practice tour up there, and they attacked this camp at night on some complaint by the agent, Mr. Sheldon. Three of them were shot and Mr. Leupp has confined those Indians, who were with them, in a military prison at hard labor as long as he thinks they should remain there. There was no trial or anything of that kind, as I understand.

Senator DIXON. You say Leupp confined the soldiers in prison?

Mrs. GREY. No; the soldiers are all right; they are white men. I mean the Indians. They would not have dared to do it to anyone but an Indian.

Senator DIXON. The Commissioner confined the Indians?

Mrs. GREY. Yes; if you want to see the papers, I will get them for you.

Senator DIXON. What military prison did he confine them in?

Mrs. GREY. It is some place in Arizona, the name I do not know; it is a Mexican name. If you want to see the papers I shall be glad to show them to you. But the fact must be that the raid was certainly made in an unfair way, because those Indians were sleeping in their tents and only two of them seemed to have had guns. There was one of the horses that was shot, while the soldiers shot down and killed three Indians, and the unburied dead were left lying on the ground until the next day. The Indians were afraid to go near them.

Senator DIXON. When and where did this happen?

Mrs. GREY. It has only happened lately, within the last few months.

Senator DIXON. Where?

Mrs. GREY. On the Navaho Reservation.

Senator DIXON. In Idaho?

Mrs. GREY. In Arizona.

Senator SUTHERLAND. It is in Arizona.

Mrs. GREY. I have seen letters from Rev. Howard R. Antes, the missionary there, and I have seen affidavits from other men who were in the district. They are all up in Senator Teller's room and I shall be glad to get them for you. There was a similar case with the Utes—one of the most abominable things, and that was the calling out of those soldiers against the Utes. I was in Sheridan at the time. Those Utes were perfectly peaceable.

Senator SUTHERLAND. They were Absentee Utes, were they not; they had left the reservation?

Mrs. GREY. Yes; and Captain Hall, their agent, said in his report that nothing but starvation and extermination confronted them if they stayed at home.

Senator SUTHERLAND. The soldiers only wanted them to stay on the reservation. They did not want them to come back on the reservation and Congress appropriated money at this session.

Mrs. GREY. That was done afterwards. This was when they were trying to compel them to go back. There were about 240 of them, men, women, and children. I have forgotten how many soldiers there were that came—I think 1,600; but if you had been in Sheridan you could have seen the officers who came with them. There must have been 14 or 15; there were three carloads of signal-service apparatus to connect this poor little band of 240 half-starved Utes with General Wint at Fort Omaha. They set up telegraphic communications under command of Captain Wildmay.

Senator DIXON. It was on account of ill treatment in Utah that they left?

Mrs. GREY. Captain Hall in his report said if they remained at home they faced nothing but starvation and extinction.

Senator DIXON. Are the Idaho Senators interested in that matter?

Mrs. GREY. It is no joking matter, Senator Dixon. It is because it has been treated as a joke so much that the conditions are as they are. I can only refer you to the printed public reports that come from the Uintah Reservation. I was up in the Wyoming district and only know what was going on there.

To resume my statement. I then told them that if President Roosevelt knew that things were as they were on the reservation he would quickly put a stop to it. The Crows have a lodge—the Crow Indian lodge—organized about ten years ago by the returned students to protect themselves from the Government. This lodge contains the majority of the adult males of the reservation. I believe no Government employee may be a member, that being prima facie evidence of his dishonesty. That is the Crow Reservation, in Montana; yes, sir. The president of the lodge, Joe Cooper, asked me if I would not come to their lodge and explain to the Indians what this beet-sugar proposition that the agent was trying to put on the reservation really was. I went with him. The lodge meeting was held about a quarter of a mile from the place where I was staying. I read the published report of Commissioner Leupp to the Indians, the subject-matter of which caused exceeding indignation, the Indians readily seeing that this proposition meant beggary for them, as well as degradation and loss of their lands for all time. The report can be had. It speaks for itself. They asked what remedy they might apply. I told them that they must get a petition to the President to prevent it. It was just at this time that it was published in the papers that the bill would go through. It was up at the time—something like this horse-breeding bill. They asked me if I would go with them. At first I said no, I was too busy; but when they told me they would never be allowed to go alone I told them that if they would pay my expenses I would go with them, saying, as I remember it, $500 would be necessary; but the Indians at my preliminary hearing all agree that I said $600. What I said probably was $500 or $600. This shows that there could have been no contract, as all the Indians swore at my preliminary hearing. Later, some of the Indians from the Big Horn Crow Indian lodge came to me and asked me to explain to them what I had already told the Lodge Grass Indians. I did so and was arrested on the following morning by Agent Reynolds, charging me with treason against the "peace and dignity" of the United States for reading and explaining one of the bills that was trying to be put through Congress at this time

Senator DIXON. What bill was that, Mrs. Grey?

Mrs. GREY. That was the bill relating to the beet-sugar proposition which Mr. Leupp goes into very fully in his report to the Secretary of the Interior for either the year 1905 or 1906, I have forgotten which.

Senator PAYNTER. Who had you arrested?

Mrs. GREY. Mr. Reynolds arrested me himself. I never dreamed that anybody could do such a thing, and I laughed at him about it and told him to go ahead, that it would only make my story better

when I sent it out. He wanted me to go to Billings and I told him no, that I was a stranger in that part of the country, and I said I would go to Sheridan, where I would be among people I at least knew slightly. So we went to Sheridan, and then to Billings, where I remained about two weeks at the Northern Hotel, he spending most of the time with me, explaining things on the reservation. He told me at this time that if I would drop the matter and publish nothing I could have anything I wanted. Mr. Blair was in town in constant communication with Mr. Reynolds, as were also other magnates of the reservation. I replied to Mr. Reynolds, "All right, let me see what you have got." To which he replied, "I have not got the nerve;" that they had bought me off.

During Mr. Reynolds's absence the Indians came to me, saying that the agent was telling them that they had bought me off, and I had promised not to help them. I taxed Mr. Reynolds with this and demanded that I be allowed to return to the reservation, to which he consented.

I went over this matter yesterday, but will speak of it briefly again.

Senator DIXON. Is this a newspaper article that you intend for publication, or a magazine article that you are reading?

Mrs. GREY. This was addressed to Senator Owen at his request.

Senator DIXON. You intend to use this as a newspaper article, do you?

Mrs. GREY. I wrote it to use in this way for Senator Owen and for Senator Clapp, in order to make a consecutive statement. It has already been in use for some days. I think that Secretary Garfield has had it.

Secretary GARFIELD. I am not aware that I have had a copy of that.

Mrs. GREY. I understood Senator Clapp to say that he had spoken to you about it, but I may be mistaken.

The CHAIRMAN. Oh, no. This is a paper which she first prepared and submitted to Senator Owen and brought me a copy of it. It was a sort of synopsis of her complaint, as I understand.

Mrs. GREY. Yes, Senator Clapp.

Senator OWEN. Mrs. Grey first presented the matter to me at the Normandie Hotel in a brief way, and her papers were very voluminous and I had some difficulty in understanding just what the complaint was, and I told her she had better make the complaint coherent and definite so that it could be understood, and this is the result, as I understand it.

Mrs. GREY (continuing). By the machinations of the agent, with the assistance of his spy, Jimmy Hill, the Indians I chose were told to take the train at Parkman and meet me at Sheridan, off the reservation; whereas my message was that they meet me at Wyola, the next station before you come to Parkman. It was near dark when I got off at Wyola, a mere station house. I walked about a quarter of a mile to an Indian camp, where I found Jim Carpenter, who sent Dominick Old Elk with me to Parkman, a distance of about 15 miles, which we rode on horseback. I found that the Indians had been arrested at Sheridan by Campbell and Biggers, officers, whom the agent had sent on the train he knew they were to take, saying they were on their way with me to Washington, although Campbell and

Biggers had seen me get off at Wyola. I had left my baggage at Billings and wore my short skirt.

I returned to Billings. Mr. Reynolds, who had spent that day at the agency, arrived soon after I did, and laughed at me, saying his Indians had made a fool of me. I told him it was some crookedness of his; that if he did not want me to publish the whole thing that day, he was to go to the agency, release the Indians from jail there, and send three of them to me at Billings, which he did. When they told me the threats he had made to them if they attempted to do anything further, I told them I would go to Washington immediately for them with the petition. The petition is among these papers. The Indians had $310 with them, which they gave to me. I told Mr. Reynolds that I was going; would pass through the reservation; would be glad if he would join me at the agency and ride as far as Sheridan. I was introduced to the President by Sumner Curtis, Washington correspondent, by direction of his paper, the Chicago Record-Herald.

On a letter signed by the President, being presented by me to Mr. Leupp, he became violently angry and called me a "meddler."

Senator PAYNTER. Who did that?

Mrs. GREY. Mr. Leupp.

Senator SUTHERLAND. The Commissioner of Indian Affairs?

Mrs. GREY. The Commissioner of Indian Affairs, when I went to him; but he finally agreed to allow me access to the Crow papers, I to make a statement of the charges the Indians wished to make, not making these charges myself, but merely as foundation, as he asked, upon which he could make an investigation. The statement, you will see, shows this.

I wish to put this matter straight with the committee. I was not making these charges, as has been continually charged. The Indians tried to get here, or wanted to come here to make them, and when I came here I never dreamt that I would be attacked. All I thought was necessary was to state the facts. I thought it was only necessary to state the situation to these officials, and if they knew these things were going on they would take some action. When I saw Mr. Leupp he said, "You must make some kind of specific statement," and that was the reason I made this statement. I did not make the charges of myself, I made it as a foundation on which they could work, and gave them facts and names wherever I could. This was to be a foundation for them to work on and make an investigation. It was not the result of my investigation. I wish that to be thoroughly understood because that is the way the matter started. Instead of publishing it as I might have done out there, in all honor and fairness, I brought it straight to the President. I do not believe in muckraking; I believe it causes anarchy in this country, and I think it is very much to be deplored, and I am not the one to do it.

When these papers were finished I found Mr. Leupp was indefinitely engaged, and took them to the President, who read them carefully and asked me why I did not trust Mr. Leupp. I told him that Mr. Leupp had come to the reservation in the private car of the general superintendent of the Burlington road; that the car, superintendent, and chef was switched off at the Crow Agency for his convenience; was picked up two days later by a special train, conducted by General Manager Holdredge, of the Burlington, carrying a number of

capitalists, who were taken to Mr. Hardin's ranch, Ranchester, for a conference on the sugar-beet proposition, and afterwards on a pleasure trip into the Big Horn Basin, Mr. Reynolds accompanying them.

Now, as to these capitalists who were there, it happened that one of them lives in Omaha and is a particular friend of mine, and when I was on my way to Sheridan I told him the whole matter, and he said that they were here to see the President on this same thing. It was the same lot of men.

The President said nothing more of Mr. Leupp, but sent for Secretary Garfield to come to the White House and talk over an investigation with me, promising me that only a western man, not connected with the Department, should be chosen to make the investigation. Mr. Z. L. Dalby, who had been private secretary of Mr. Garfield, and who had his full confidence, and has it still, was chosen to make the investigation. Mr. Dalby called upon me, clothed in the cloak of the President's approval. He told me that he would make the investigation as soon as possible; that if I published anything of this Crow matter it would give it away to the people he was to investigate; and I agreed that if the investigation was satisfactory I would wait until it was completed and would assist him in every way I could to get at the truth. (Vide Appendix, J. R. G. No. 1.)

Of course this is all denied, but I wrote from Chicago, after I had waited for about a month, and sent some of the Indians' letters to the President, saying that I had never at any time promised not to publish this, except only on one condition, and that was if they made the investigation, such as I thought was proper, I would wait until they had made it, and if that letter can be obtained from the President you will see exactly what I said, because I would not have written something to the President that could have been disproved; I would not have sent it to him. It is not reasonable that I should have done so. That letter must be somewhere on file. The reply to that is a letter that I have here. Mr. Garfield replied by return mail. I showed Mr. Dalby while I was here an express order I had that day received from the Crow Indian lodge for $100. He read the letter accompanying it with much interest, and said: "Let me have this letter to show what shrewd business men your Indians are." And I let him have the letter.

I never dreamt that I had broken any law by taking this money to come here. It was a thing I had never conceived of. It was something strange that it would be breaking the law for me to take the Indians' money to come here, when they could not come themselves, and I showed him the letter and gave him the letter, and when they were making me these promises that they would make this investigation this letter was the basis of the charge they made against me. Afterwards it was the chief exhibit that they used in Helena on which to convict me. They were trying to send me to the penitentiary on that, and this letter that he asked me for in this way right here in Washington, when I might have fixed the thing up if they had given me any idea of what they were going to do, I could have used at that time, and that is the way they used it.

This letter was the foundation upon which my arrest, at the order of Secretary Garfield, was based, that entailed about three months in prison and eight months being held under bail at Helena and subjected to every form of indignity and insult that it is possible for a human being to conceive of, both written and published orally, that

Secretary Garfield, Commissioner Leupp, Agent Reynolds, and these magnates could advise. (See Appendix.)

There is plenty of it in Mr. Dalby's report. While on his way to open the Huntley irrigation project Mr. Garfield kept referring to me, saying to J. Clem Deever, who was in his private car with him, that he hoped Mrs. Grey would not publish anything to injure the opening of the Huntley irrigation project; and on his arrival at Billings informed the chief of police, Talgo, that I was a dangerous blackmailer in order to prevent my attending the ceremony and reporting it to my papers.

Senator DIXON. Were you prevented from going down to see the opening of the Huntley ditch?

Mrs. GREY. Yes; I did not go.

Senator DIXON. Were you prevented?

Mrs. GREY. Yes; there was a policeman following me around in those days, and everything that could happen to me was happening.

Senator DIXON. You were not under arrest at that time, were you?

Mrs. GREY. No; because the grand jury was in session, and they did not want to arrest me until this grand jury was not in session, because they could not have held me.

Senator DIXON. At the time Secretary Garfield was in Billings and went down to open the Huntley canal you say you were prevented from going down there?

Mrs. GREY. I was prevented by this statement that was made to the chief of police there, Talgo, that I was a dangerous blackmailer, and had a policeman following me around. If I had attempted to do a single thing I would have been arrested that day.

Senator DIXON. At Billings?

Mrs. GREY. Yes, at Billings.

Senator DIXON. The trains were free for anyone to ride on, were they not?

Mrs. GREY. Well, you know it is not always safe to ride even on free trains. I had the money at that time and could have paid my fare. It has been different since.

Senator DIXON. You would have gone if you had not been afraid of arrest?

Mrs. GREY. Yes; I should have.

Senator DIXON. Did you make any attempt to go?

Mrs. GREY. No.

Senator DIXON. Was there anything to prevent you from going down to Billings on the train that everybody else rode on?

Mrs. GREY. There was.

Senator DIXON. What was it?

Mrs. GREY. When it had been reported by the people who had charge of this opening, to the chief of police, that I was a dangerous blackmailer to be watched, I do not think it would have been very wise.

Senator DIXON. When did you find that out?

Mrs. GREY. That day.

Senator DIXON. What time that day did you find out that the Secretary had said to the chief of police that you were a blackmailer?

Mrs. GREY. No; it was the day before. Now I am not positive of the time; I do not remember. You know there is a great deal that has happened between then and now, but it was just about this time.

Senator DIXON. The Secretary had not been in Billings before, and how did you find out this conversation before he got there to have seen the chief of police?

Mrs. GREY. I did not see the chief of police at this time—yes, we were there about two days, I guess; I had just come there, too. I had been up at the public-lands convention at Denver. I was there as correspondent, and then we came right down; I think I got there about one day before the special train did. I had only been there just a short time. Such of the few witnesses on my list as were called by the grand jury to Helena testified to stories having been circulated diligently throughout Wyoming and Montana, some of them so vile that the witnesses were unable to go into particulars. Do you know Mr. John Kendrick?

Senator DIXON. No.

Mrs. GREY. You must come from some place awfully far away from Sheridan?

Senator DIXON. Sheridan is 800 miles from where I live.

Mrs. GREY. Well, he is one of the old-time men there. You have heard of Billy Irvine?

Senator DIXON. Never.

Mrs. GREY. He is county treasurer of Wyoming.

Senator DIXON. That is 1,000 miles from my home.

Mrs. GREY. Well, those were men who were very indignant about the things that Mr. Reynolds and all of them were diligently circulating about me.

When in Washington Mr. Leupp considered himself as much under investigation by the President as any other official of the Department. (Exhibit Grey 12.) This story sent out by me would have been taken by different papers all over the United States; that I was not a blackmailer Secretary Garfield knew, inasmuch as I had been introduced to him by the highest authority, and had been willing, at his request, to sacrifice my own interests in so publishing a story I had worked on for fully six months. (Exhibit Grey 13.) I believe that at this time, while Secretary Garfield was inducing me to lay down my weapons of defense, he was using every means in his power to discredit me with different papers. The attached telegram goes to prove that Mr. Leupp must have written Agent Reynolds of my being in Washington, and intended to return to the reservation.

Senator DIXON. Why should Secretary Garfield have been so industrious to suppress something that happened long before he had ever taken charge of the Department and that he could not have had anything to do with?

Mrs. GREY. I do not know. I do not want to argue this matter; I am simply making my statement, and you can argue it as you like. I am simply stating the things that I am fairly well sure of; that is all. As for that power of attorney, if we can just see it, it can be settled in a few minutes. I have been trying for a year to see it, and the Indians have been demanding to see it. We were promised that we should see it before the grand jury.

Senator PAYNTER. What power of attorney is that?

Mrs. GREY. When the last bill with regard to the Crow Reservation was passed something was wrong with it, I do not know what it was; but they needed a power of attorney from the Indians to

make some amendments—I do not know what the amendments were, and I have not been able to find out.

Senator CURTIS. Who was that power of attorney given to?

Mrs. GREY. John E. Edwards. In Mr. Dalby's report he said they needed it here, and Mr. Edwards telegraphed to the agency and it was sent back to him.

Senator DIXON. When was that?

Mrs. GREY. I suppose it was in 1904, was it not? That was when the bill had passed.

Senator DIXON. Mr. Edwards had not been agent there for two or three years before that.

Mrs. GREY. He was not agent; he was here lobbying to get the bill through, I suppose, for the town-site people.

Senator DIXON. He was not in Washington when that bill was being considered, Mrs. Grey.

Mrs. GREY. Well, Mr. Dalby's report is here.

Senator DIXON. I am only telling you what I know to be the fact.

Mrs. GREY. Well, Mr. Dalby so states in his report, and the Senate documents show that he did present that power of attorney, and on that power of attorney certain amendments were made to the bill.

Senator DIXON. That could not be true, because I introduced the bill myself and John Edwards was not in Washington.

Mrs. GREY. Well, the Senate documents are here. I think Secretary Garfield will bear me out that they were attached to the statement I made to him and I gave them to Mr. Dalby.

Senator DIXON. That is physically impossible—your statement now.

Mrs. GREY. Well, the documents are there. I simply ask that you find them.

Senator DIXON. Was not this, Mrs. Grey, a council with the Indians four years before the Crow Reservation was opened?

Mrs. GREY. No.

Senator DIXON. At the time they had the treaty with the commissioners?

Mrs. GREY. No; if you will get this document that I ask for you will find exactly what it is.

Senator DIXON. You now state to this committee that John Bair was here in Washington lobbying for that bill, with some kind of a power of attorney with regard to some amendment.

Mrs. GREY. Yes; I say there is a Senate document——

The CHAIRMAN. What is the document?

Mrs. GREY. I can not tell you the number of the document, but I ask for all the documents with reference to that Crow bill. Do you not remember that the document was attached to the papers that were given to you through Mr. Dalby, Mr. Garfield?

Secretary GARFIELD. I have not heard of the papers, and I do not know.

Senator DIXON. Let me in a friendly way keep you from making these broad statements. I think I know to what you refer.

Mrs. GREY. I know which one you refer to; you refer to the one that Senator Mondell introduced to have the water taken off that reservation.

Senator DIXON. No; I think I know what you refer to by the power of attorney given to Major Edwards. It was while he was

Indian agent in 1899, and was a power of attorney concerning a treaty that the Crow Indians entered into with the commissioners.

Mrs. GREY. It is a matter that can be very easily settled, and if it is so simple as that it might have been very easily settled long ago.

Senator DIXON. I am suggesting this to you to keep you from making this wild statement that John Edwards was here lobbying for the Crow Reservation, because it was four years before that, when he was agent, that he had a power of attorney. I am merely suggesting this for your own benefit.

Mrs. GREY. Suppose we refer to what Mr. Dalby says with regard to this matter. It is a matter that I did not put into the statement of charges that I made, for the reason that I could not find the power of attorney. I made very diligent search for it, and they told me at the Indian office that it must be among the papers of the Committee on Indian Affairs, and there was nobody here, and I could not find it.

Senator DIXON. What you are trying to testify to is the treaty that was made with the Crow Indians in 1899, is it not?

Mrs. GREY. I do not think so.

Senator DIXON. When Reynolds was their agent, and a power of attorney was at that time signed, as I have understood, and not when the Crow bill was passed in 1904.

Mrs. GREY. Well, we can find the papers; that is the best way.

Senator DIXON. But you go on to make positive statements, and I am merely trying to save you from making those statements when the records are the other way.

Mrs. GREY. Well, shall we see the records?

To resume my statement; on my return I waited about a month in Chicago for Mr. Dalby, during which time Mr. Bair removed his sheep. Mr. Heinrich and Mr. Reynolds arranged their papers and permits, of which I made a protest to the President. (See Exhibit Grey 34, reply to letter.)

Having permission, formal, from the Commissioner to return to the reservation (see Exhibit Grey 15), at the earnest solicitation of the Indians, I wrote them I would, I think, on the 29th of May, 1907. On that date two policemen were sent to the place where I would leave the train—Wyola. I did not return until about a week later, went immediately to Gordon's, observing every possible propriety, and was arrested, being released on the following morning by the telegram as already given.

Senator PAYNTER. What were you charged with, Mrs. Grey?

Mrs. GREY. Nothing; they do not make any charges when they arrest you there. They just arrest you.

Senator DIXON. Did they make any statement to you as to why you were arrested?

Mrs. GREY. Oh, yes; I beg your pardon. They brought out a statute of 1878 and read that statute with regard to the "peace and dignity" of the United States, and here I had a written permission from the Commissioner to be on the reservation, and I was there at their request to help them.

Senator DIXON. You got permission from the Commissioner to go and witness some Indian dances at that time, did you not?

Mrs. GREY. It was to return to the reservation.

Senator DIXON. To witness those Indian dances?

Mrs. GREY. I put it that way. There was no question about my returning to the reservation, and Mr. Leupp says in his letter "If you think it necessary." I thought as Mr. Reynolds had already arrested me it would be better for me to go back to the reservation with a formal permit to protect myself with, and for that reason, as Mr. Reynolds was not supposed to know I had ever been in Washington, asked to go back because I wanted to go back before the dances were over. It was not a qestion of whether I could come back or not; it was a question of protecting myself from further arrest. It was said that I could go back, as the letter from Mr. Dalby, which I will read, will show you. I wanted especially to see those dances; so, as Mr. Dalby put it, we would not "flush the bird before we were ready to shoot him." I think that is the way he put it. He is very much given to similies of that kind.

After Agent Reynolds had attempted to confine me in the guardhouse with Joe Cooper, whom he did so confine—after trying to bribe his wife to get a divorce from him and naming me as corespondent—and I want to say that I am not saying a thing that can not be proven——

Senator PAYNTER. Who did you say did that?

Mrs. GREY. Mr. Reynolds, this man right here.

Senator DIXON. He tried to bribe Joe Cooper's wife to get a divorce from Cooper?

Mrs. GREY. Yes; he told her that Joe was awfully poor and no account, and she could have anything she wanted if she would get a divorce from him. It is not a new thing; it is the same thing that is contained in affidavits that I have, that it has been tried before this on the Crow Reservation. It is not something new.

Senator OWEN. What evidence have you that the agent endeavored to bribe this woman?

Mrs. GREY. I have it from Mrs. Cooper herself, and she told it to her husband. They were there not once, but two or three times, and the second time they went there——

Senator OWEN. Went where?

Mrs. GREY. Went to her house; they came over to Lodge Grass and she came to the agency. She has a little house at Lodge Grass.

Senator OWEN. Who do you mean when you say they came over?

Mrs. GREY. Mr. Reynolds and Mr. Dalby. This was the second time. She was washing at the time and getting her water from the creek outside. While Mr. Dalby sat and talked with Mrs. Cooper, Mr. Reynolds carried the wash water for her. He was seen doing it. It was right in town, and the Indians were talking about it, and they tried to make all the trouble they could between Joe and his wife, and the last annuity, instead of paying it to Joe, who is a very decent, straight Indian, they paid it to his wife, saying that Joe was no account and would spend it.

Senator STONE. Is his wife an Indian?

Mrs. GREY. She is a half breed.

Senator OWEN. What evidence have you? Is that statement in the form of an affidavit?

Mrs. GREY. I can get all the affidavits you want.

Senator OWEN. I am not talking about what you can get, but what you have.

Mrs. GREY. No, I have not; I have not been allowed to go back there. I have talked to Joe and he said he would get it at any time I wanted it. I have written a good many letters on the subject, but I do not seem to get any replies.

Senator OWEN. You make this statement on Joe's statement to you, do you?

Mrs. GREY. Joe's and Tommy Stewart's and Mrs. Cooper's.

Senator OWEN. Their statements to you have not been put in writing?

Mrs. GREY. I have not.

Senator PAYNTER. Did Mrs. Cooper make the same statement?

Mrs. GREY. Yes, Senator Paynter.

Senator DIXON. Did she make it to you?

Mrs. GREY. Yes, Senator Dixon.

Senator DIXON. That Reynolds tried to bribe her?

Mrs. GREY. That if she left Cooper and named me as corespondent that she could have anything she wanted.

Senator DIXON. Is she a half breed?

Mrs. GREY. Yes.

Senator PAYNTER. Are they on the reservation?

Mrs. GREY. Yes; they are on the reservation.

Senator OWEN. And that is one of the things that you refer to when you speak of indignities?

Mrs. GREY. Yes; that is one of the indignities. When Mr. Reynolds arrested me at this time Joe was at the missionary's house, at Crow Agency. They arrested him at the missionary's house and put him in jail that night; so when I got to the agency, having driven over from Lodge Grass to the agency, Joe was already in jail when I got there.

Senator PAYNTER. What was he charged with?

Mrs. GREY. They do not have to charge them with anything there. He was not charged with anything, and does not know now what he was arrested for. It is not necessary to charge them with anything; they just put you in jail. That was one of the things the petition was about. They took Joe and put him in the guardhouse and brought me to the hotel; Mr. Server, the hotel keeper, testified to that before the grand jury. They took me to the hotel. They brought the stock inspector; they always brought the stock inspector when they arrested me, and the chief clerk and Mr. Reynolds and two policemen. There was quite a cavalcade when we came back. When I got to the hotel—I suppose it was half past 9 or 10—instead of ordering a room for me and they all going home, they got the Indian judges up and they came into the sitting room, and there we were. The judges get $8 a month, and merely do what Reynolds tells them to. They were not going to give me anything to eat, and I said, "Mr. Server, you go and get me something to eat." He said, "They have all gone to bed." I said, "You go and tell Mrs. Server to get something for me," and he did. He said, "Mr. Reynolds, are you not going to order a room for Mrs. Grey?" He did not make any reply. I said, "What have you got all of these people here for?" It dawned on me then what they were doing, and I wrote a telegram to Mr. Roosevelt—the telegrams are among the papers—saying that I was arrested and protesting against it, and I made two copies of it; I wrote one on top of the paper and the

other at the bottom of the paper and tore it in half, in the middle. Mr. Reynolds was sitting there, and I said, "Before you attempt to do anything to me, for your own sake you go and send this telegram to the President." He said the President did not want to hear from me. I talked with him for an hour or more. He would not allow me to send the telegram, but we did go and send the telegram at last, on which I was released in the morning.

Senator DIXON. Did not Major Reynolds pay for that telegram himself?

Mrs. GREY. I did not send it; he sent it himself. He and I walked down to the station. I do not suppose he paid for it; I suppose it went at the Government's expense, did it not?

Senator DIXON. I do not know. I asked you if he did not pay for the telegram himself.

Mrs. GREY. I do not know. I tore it in two and kept one copy. I said, "Now, it will be worse for you if you attempt to do anything to me. I have this to prove that I tried to get you to send this telegram, and you would not do it."

Senator DIXON. At the same time you wanted to send telegrams to several inspectors?

Mrs. GREY. Not that night. How do you know about those telegrams?

Senator DIXON. I am not on the witness stand.

Mrs. GREY. Well, that is what I want to know. Those telegrams were in my bag when I was arrested. Now, I would like to know where those telegrams are.

Senator DIXON. I do not know, I am sure.

Mrs. GREY. Well, you have evidently seen them.

Senator DIXON. I ask you whether or not you did not that night send out several telegrams to newspapers?

Mrs. GREY. No; I did not. I sent one to the Chicago Record-Herald; and in the morning, when I was very ill in bed—too ill to get up—I was staying at the hotel; the hotel keeper's son-in-law is the agent who sends the telegrams; I was not able to get up, so he had the night man come to me in my room—I was in bed, not sitting up—and he had some yellow paper with him. That you probably know.

Senator DIXON. No; I do not know.

Mrs. GREY. You saw the telegrams?

Senator DIXON. I never saw the telegrams.

Mrs. GREY. Well, those telegrams disappeared, and I have been trying to find them since. I wrote them out and they were to be sent. I had an arrangement with several newspapers. The editors were particular friends of mine. We had an agreement that I was to send such telegrams as would make these agency people let me alone. They were not intended for use; they were simply telegrams to protect myself with.

Senator PAYNTER. Mrs. Grey, I understand from your statement that Mr. Reynolds and his associates carried water for Mrs. Joe Cooper; that Mr. Reynolds arrested you and put you in jail.

Mrs. GREY. Yes, sir; they arrested me three or four times.

Senator PAYNTER. It was just running through my mind as to the different ways they treat ladies out in that part of the country. They carry water for some and put others in jail.

Mrs. GREY. The worst part of it was that when we came to the grand jury and I was not indicted, after all these things had been done, they said it was Montana gallantry that prevented my indictment; that I really should have been indicted. That was one of the things that really made me mad. I was speaking about these telegrams.

Senator PAYNTER. Did you lose them in Montana?

Mrs. GREY. They were taken out of my bag after I was arrested, and I have not been able to locate them.

Senator SUTHERLAND. Senator Dixon has spoken of them. [Laughter.]

Mrs. GREY. He has evidence that is pertinent, as you say.

(At this point the committee took a recess until 1 o'clock p. m.

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

STATEMENT OF MRS. HELEN PIERCE GREY—Resumed.

The CHAIRMAN. Mrs. Grey, you may proceed with your statement.

Mrs. GREY. I was referring to the time when I was sick at the hotel. When I got up and was able to be around again, I went to the station agent and asked him if there were any answers to my telegrams. He said, "I did not send those telegrams." I asked him why, and he said, "You can not send anything you want to send," like that. I said, "Give me back the telegrams. What is the matter with them?" So he returned those papers to me. The telegrams I had written had been corrected by the night agent; they were written on yellow paper, and I took them and said, "I will use these now to show that I can not get a telegram out of Crow Agency."

Senator DIXON. Did you offer any money to pay for them?

Mrs. GREY. No; there was nothing said about that. At another time I did offer money, but I had been in the habit of sending press telegrams through that office.

Senator DIXON. You do not mean to tell us that the Burlington agent would not have sent the telegrams if you had gone there and had offered to pay for them?

Mrs. GREY. I offered to pay for them, and not only that, I tried to get the Postal Telegraph Company in Helena to send out telegrams, but they refused to do it, and I put them through the Western Union at the regular full rates. They would not take them as regular press telegrams, and I have their receipts.

The CHAIRMAN. Did they send them when you paid for them?

Mrs. GREY. I have never found out whether they were received or not.

The CHAIRMAN. They received them from you to send, did they?

Mrs. GRAY. Yes, sir. I gave him the money, and he gave me the receipt for full, not press, rates, but I have never been able to find out whether the telegrams were received. I have never had a reply to them.

Senator DIXON. Do you insinuate——

Mrs. GREY. I do not insinuate; I say.

Senator DIXON. Do you say there is something crooked with the telegraph agent at Helena?

Mrs. GREY. I say that I could not get the telegrams sent. I do not say that anybody was crooked, but I say I could not get these telegrams out, and I can produce the receipt to show that I could not send a press telegram, but paid at the full rate, in cash, and I have a witness to prove that the postal agent refused to take the telegram.

Senator DIXON. At Helena?

Mrs. GREY. Yes; Mr. Server, who keeps the hotel at the Crow Agency, was with me.

The CHAIRMAN. Was that refusal after you had offered to pay?

Mrs. GREY. Yes; I said: "I will pay for that," and he said, "No; I will not take it under any conditions."

Senator DIXON. That is the telegraph agent at Helena?

Mrs. GREY. The Postal Telegraph agent at Helena absolutely refused to send it.

Senator DIXON. He refused to send the telegrams when you offered him the money?

Mrs. GREY. Yes; either paid as a press telegram or as a full-rate telegram, and I went around the corner to the Western Union, and they refused it as a press telegram. They said, "We will take it if you pay for it in cash," which I did.

The CHAIRMAN. Who was that telegram to?

Mrs. GREY. One that I sent to the Chicago Examiner, one to the New York World, and one to Mr. Byles.

The CHAIRMAN. Did you send all three?

Mrs. GREY. Yes; they cost $4.80.

The CHAIRMAN. You have only indicated that you sent one.

Mrs. GREY. This was the one time.

Senator DIXON. You were asking whether or not they wanted a story?

Mrs. GREY. It was what you call a query; it is a technical sending of a notice of a story so that they will know what it is.

Senator DIXON. And you were asking them whether or not they wanted the story?

Mrs. GREY. Yes.

Senator DIXON. And they never replied?

Mrs. GREY. No; I do not know whether they ever got them or not.

The CHAIRMAN. Did you make any inquiry?

Mrs. GREY. I spoke to Mr. Van Hamm when I was at the World office, and said I had never heard from him. But those other telegrams of Senator Dixon's were on a different matter. Those I wanted to send, and when I was able to get out I came down to find the answers to the telegrams, and he said he had not sent the telegrams.

Senator DIXON. Did he not say that it was because you had not paid for them?

Mrs. GREY. No; he did not say anything of the kind.

Senator DIXON. Do you assert here, as part of your statement——

Mrs. GREY. Positively and absolutely, that I got no telegram sent.

Senator DIXON. Wait a moment until I finish. Do you assert as part of your testimony that the Burlington telegraph agent. Mr. Ross, refused to send telegrams for you after you had tendered him the money?

Mrs. GREY. I say he did not send them. I gave them to the night agent, who was to send them, and who took them down to send, and he had been in the habit of sending my telegrams, and I supposed that they had been sent; and when I came down to get the answers to them Mr. Ross, who was the day agent, said there were no answers to the telegrams. Then he said, "I did not send those telegrams." I asked him why not, and he said, "I can not send any kind of telegrams that you send down here." I said, "Why did you not send me word, Mr. Ross? Those were very important. You were coming to the hotel to take your meals, and you could have said there was something the matter with those telegrams."

Senator DIXON. Was the telegraph company in the conspiracy?

Mrs. GREY. I am not talking about a conspiracy, or anything else; I am talking about facts. Conspiracy is a thing that you have to prove from facts. I am giving you the facts and you can prove the conspiracy or not, as you think proper. Those yellow telegrams had the night agent's corrections upon them. I told them that I would keep those in evidence that I could not get a telegram out, and when I got back to Omaha I was going to find out whether those telegrams were received. I had them in my traveling bag; I was ready to go to Sheridan. It was a leather handbag, and I put them inside, in a pocket in the bag.

Senator DIXON. Those were also queries to the newspapers as to whether or not they would take the story?

Mrs. GREY. Yes; the three telegrams that you speak about. As I say, they were not actual telegrams to be used, but it was the understanding that if I was in trouble on the reservation, to protect myself, I was to send those telegrams so that they would know where I was. That was the understanding. It was the protection against those people.

Senator DIXON. The next morning why did you not offer him the money and ask him to send them again?

Mrs. GREY. Because it was too late; I was on my way then to Sheridan; I think two days later or, maybe, three.

The CHAIRMAN. Now, I would like to ask you two or three questions. Those telegrams that you speak of you sent over in the evening to the office?

Mrs. GREY. Well, no; I can not say whether it was in the evening or the morning.

The CHAIRMAN. Did you go over with them?

Mrs. GREY. No; I was sick in bed.

The CHAIRMAN. Who took them?

Mrs. GREY. The night agent who was on duty there as the station agent.

The CHAIRMAN. Who took them over to the station?

Mrs. GREY. The night agent; he came to get his meals at the hotel where I was stopping, and when he came Mr. Server said, "Mrs. Grey wants to send some telegrams;" and he came up and took them.

The CHAIRMAN. When he took them did he say anything about pay for them?

Mrs. GREY. No; he said nothing about that.

The CHAIRMAN. And the next you knew of them was when you went to the office?

Mrs. GREY. To get the answers; yes.

The CHAIRMAN. Who was there then?

Mrs. GREY. Mr. Ross and Mr. Reynolds.

The CHAIRMAN. Now, Mr. Ross told you finally that he had not sent them?

Mrs. GREY. That he did not send them.

The CHAIRMAN. Did he in that conversation give as a reason that they were not paid for?

Mrs. GREY. No; he did not; his idea was that they had not been written on telegraph paper. There was nothing said about money because I had sent a great many telegrams, press telegrams, from there.

The CHAIRMAN. Did he make the objection, or did he make the point that the reason they were not sent was because they were not written on telegraph blanks?

Mrs. GREY. Yes; that was the only point that was raised.

Senator PAYNTER. That was after he had notified you that they had not been sent when you went there?

Mrs. GREY. Yes; then he gave the telegrams back to me and I put them in my bag, and they were in that bag; and when I was arrested the next time, two weeks later, they were still in that bag; and when I got the bag back that was the first thing I looked for, and I found they were gone, and this is the first time I have located them since. They were the telegrams, and that was the way they disappeared. You have the story of them.

In the morning, I being ill from the treatment I had been subjected to and the exposure of a night drive of 30 miles, Mr. Reynolds and Doctor Fanning, Government physician at Crow Agency, attempted to have me declared insane, and were only prevented by the hotel proprietor, Mr. Fred Server, as he testified before the grand jury at Helena, he sending a telegram to Doctor Marshall (and I have his bill for $50), at Sheridan, to come to me at once. On returning to Sheridan I had a telegram from Mr. Dalby saying he would arrive on the following day.

Mr. Dalby's investigation began by intimate association with those whom he had come to investigate, causing the Indians to say, "He's just like all other inspectors."

Now, I have a letter which came this morning, and which is apropos, which came from a man whom I do not know, telling how he made his investigation in his district, in going fishing with the agent, and then calling them together and telling them what they had to do. He did that in the other districts.

Senator DIXON. How long was Mr. Dalby in making this investigation?

Mrs. GREY. I do not know when he left; I was up in Helena. I do not know how long he was there, but I think three or four months—I do not know but what he was there longer. He was trying to get Mr. Bair to bring the sheep back; that was one thing that kept him there. Mr. Bair did not want to do it. The Indians had sent out word that they would kill the sheep if they came back. Mr. Bair did not bring them back until later. They are back now, I think.

With Mr. Dalby's consent, I caused a council to be called of about 200 headmen from all parts of the reservation at Gordon's to meet him. The way this council was called was this: It was called as a

regular council is called. When I came back to the reservation Mr. Dalby was on the reservation. I heard that two of these Indians, whom we were relying upon as witnesses, had been arrested when I got to Lodge Grass, and I went on to the agency, and instead of going on to the hotel—it was one of those long trains and I was on the rear caboose of the freight train—I got off the caboose and went to Frank Johns's, and there were three or four Indians there, and I found out why they were arrested, and I sent over for Mr. Dalby to come there. It was raining, and I did not want to go over there. He came down and I introduced him to the Indians. You should have seen the way they talked to him and the way they received him and then what he did. It was raining and late in the afternoon, probably 4 o'clock, and they sent some of them to ride 40 or 50 miles in the rain, with no protection, on horseback, to call the Indians together, and these men, whom I had heard were the headmen of the tribe—that is, the president of two lodges—they went out and called what they considered the headmen of the tribe. I had nothing to do with who they called, but they called the men they desired—the headmen—and about 200 came to Gordon's. The strange part of it is that none of those men is here among this delegation except Plenty Coos, and he can not speak English.

Mr. Dalby arbitrarily set the following Tuesday as the time of meeting. To reach Gordon's the Big Horn Indians left one of their number, who had died on the way, to be buried by the first family whose house they came to. The Pryor and Lodge Grass Indians omitted their annual medicine and tobacco-planting dances. When the messenger came to Plenty Coo's house he met a policeman with an order from Van Hoose to take Plenty Coos to Billings on a telegram from John E. Edwards, against whom serious charges were to be investigated by Mr. Dalby. The messenger went ahead of the policeman and Plenty Coos came to the council without returning to his home. Mr. Edwards hastened to the agency. Mr. Dalby wrote me that he would postpone the council until Thursday. The Indians had no place to sleep in comfort, and we could get no meat. They were worn out and in condition favorable to Mr. Dalby's plans, as afterwards shown, of forcing them to his will. They were utterly worn out. They had made this long trip, and it was in the springtime, and they had nothing to eat. They had been up night after night trying to get ready for this. They were in a state of collapse, while Mr. Dalby was staying at the hotel, with all comforts, and drove over and drove back. It was not a fair showing for them.

Senator DIXON. In what way was it not a fair showing?

Mrs. GREY. Mr. Dalby came fresh with his clear mind, and there were those Indians at a disadvantage, at best, utterly worn out from the long journey and discomforts.

Senator DIXON. Could they not tell the story you wanted them to tell?

Mrs. GREY. But he might have waited. They were two days with no place to sleep; they were sleeping around where they could and waiting where they could.

Senator DIXON. Did they not have the opportunity of telling it at the end of the two days?

Mrs. GREY. No; they never did have.

The CHAIRMAN. You say they never did have?

Mrs. GREY. You evidently misunderstand me; here is the petition I brought from the Crow Indians and here is what the council ask Mr. Dalby to do:

We, the undersigned members of the Crow Nation of Indians, being of age and dependent upon our own resources, having many of us served with the Army of the United States against common enemies, do hereby pray the President of this United States:

First. That we be placed in the possession of our allotted land; be shown the boundaries of the same and given patents assuring the permanent ownership of the same so that we may support our families and the old people dependent upon us.

Second. That we be given the citizenship promised by the same act of Congress that compelled us to cede a portion of our lands to the public domain; that we be given equal rights with our white neighbors with whom we must now compete; to provide for which we and our children have passed years in the Government schools, for which large sums have been spent.

Third. That we be given fair and legal trial on specified charges before imprisonment, thus ending the present method of intimidating and coercing the Indians by long terms of wanton imprisonment.

Fourth. That the tribal moneys now held in trust be used for the purchase of stock to be owned individually by the Indians; that we be allowed the use of all unallotted lands and of the tribal grazing lands for our stock, this land now being occupied by large numbers of sheep and cattle, for which we have reason to believe nothing is paid, much of the cattle bearing the brand of the agent.

Fifth. That in view of the open hatred and fear of the Crow Indians for the methods of the present agent, and being informed that he has been reappointed by reason of an alleged petition that was circulated by the police and signed under threats of imprisonment, do earnestly protest against this appointment.

Sixth. We do earnestly pray for a fair investigation of the affairs at the Crow Reservation; the ditches that do not carry water; the methods of the farmers who prevent the Indians from farming; of the leases in which the Indians have no share in the lease moneys; of the Government school at Crow Agency, where our children make so little progress after a term of years they can not speak English intelligently, where they are exposed to loathsome infection, to neglect, and to nameless dangers; into the sale of our inherited land, of which we can obtain no accounting; of the fact that many of the Indians are living in a State of want, unable to obtain lumber for houses or wire for fences or the possession of their lands, for which condition of increasing poverty we see no hope under the present system.

Senator DIXON. Who wrote that petition, Mrs. Grey?

Mrs. GREY. I wrote it on my typewriter and they took it among them and discussed it a good many times. This one was not the one that was used.

Senator DIXON. This was not the petition you wrote?

Mrs. GREY. It was not the petition I wrote. It was the petition that the Indians in council asked me to put in. It is their petition and signed by every member of the lodge.

Senator DIXON. And you prepared the petition on the typewriter?

Mrs. GREY. I put the petition into words. It was not my petition at all.

Senator DIXON. Where did you get the information that there was $1,000,000 appropriated for horse breeding, Mrs. Grey?

Mrs. GREY. This was from one of the Indians; it came from the Indians who listened to the talk that Major McLaughlin made at the agency. I wrote to Mr. Burgess last week telling him I supposed he had heard of the horse-ranch scheme and telling him that it would take $1,000,000.

Senator DIXON. This is a letter from some Indian, is it, Mrs. Grey?

Mrs. GREY. It is in the bill or it is not.

Senator DIXON. Now, then, on this letter from this Indian you have made the charge——

Mrs. GREY. I do not make the charge on that letter——

Senator DIXON. Please answer my question. It is on this letter from this Indian that $1,000,000 of Indian money is to be taken to go into the horse-breeding proposition that you now make this charge?

Mrs. GREY. No, sir; it is not.

Senator DIXON. What is your source of information that $1,000,000 of Crow money is to be taken to put into the horse farm?

Mrs. GREY. I have not made that statement in any way.

Senator DIXON. You just made the charge a minute ago.

Mrs. GREY. I found something in the bill about it——

Senator DIXON. Just answer my question. On what charge do you make that insinuation?

Mrs. GREY. I am trying to find out.

Senator DIXON. Have you any basis upon which you make that assertion?

Mrs. GREY. If you will just wait a moment until I read this bill I will try and find out. I know I read some bill. What I am saying now is not in my written statement. I think it was called out in answer to some question from you, Senator Dixon. It is not in my statement at all. The bill says, "the authorized capital stock of the corporation shall be $200,000." That is money.

Senator DIXON. Why not at all. There is not a dollar of money there.

Mrs. GREY. Are you going to put in only watered stock into this?

Senator PAYNTER. Mr. Chairman, it seems to me that this investigation is taking a needless turn, and that it would be better to have the witness go ahead and state her facts.

Senator DIXON. I want to say, Senator Paynter, that she made the statement a moment ago that there were a million and a half dollars of Crow money involved in this, and she wanted to find out what became of it. As a matter of fact, there is not a dollar appropriated.

Senator PAYNTER. She seemed to be quoting Senator Teller about that, and it may be well for her to talk to Senator Teller about it and then come back and make her explanation.

Senator DIXON. At the same time she says that there is a million dollars of Crow Indian money to be taken to go into this horse breeding farm, which is absolutely without any possible foundation.

Mrs. GREY. I do not know exactly what I have said. I will see later what I have said from the record.

Senator DIXON. I just suggest that there is no foundation for these wild assertions of which we have got to take judicial notice; the condition does not exist.

Mrs. GREY. I do not agree with you that they do not exist. I do not see how you are going to capitalize a horse-breeding association without any money, and I do not see how you are going to get the money without the Indians have a fund. I do not believe the Government is going to put up a million and a half dollars for the Indians to go into business with. If the money is not there, it must be somewhere. Is that not right? Do you think I am making such wild statements?

The CHAIRMAN. Now proceed with your statement, Mrs. Grey.

Mrs. GREY. I will get that statement from Senator Teller. Now, when Mr. Dalby came, after he had put off coming for two days, you will remember that we were away out in the country and not in the city where you can buy things. As I was saying, a sixteen-hour council followed his arrival, during which he tried to compel the Indians to dismiss me and they refused. They protested against his presence, saying that he was an enemy, a tool of the agent, and a spy. When the Indians began coming, and as soon as they had come they said, "We are not going to stay here and talk with this man; it only means trouble for us. He is over there with the agent and is a friend of the agent," and a lot of them did go. We had a lot of trouble keeping them. When Dalby did come he brought every man against whom charges were made and the Indians were going to leave. I said, "Do not leave; I will go and tell Mr. Dalby to send them away." They left the house and went outside.

Senator PAYNTER. Do I understand you to mean that the Indians up there were objectionable to those who came there to the council?

Mrs. GREY. Yes, we sent the Indians away. The Indians were going to leave if I had not done it. It was a question whether the Indians would not all leave and leave Mr. Dalby there alone after all the trouble they had gone through to be there and the trouble he had to get those people there. So the Indians all went out of the house and were staying around on the outside, and here Dalby came with all those people—Dalby and Carl Leider, all in the sitting room. I said to Mr. Dalby, "Won't you send these Indians away? If you do not all the other Indians will go back; they will not stay with you if you do not." So he sent the Indians away.

Senator PAYNTER. Why were those Indians to whom you refer objectionable to the other Indians?

Mrs. GREY. Because they were spies. It is hard for anybody who has not been there to understand the conditions on that reservation. If you were in Russia you would look for those sort of things, but those people are the spies of the agent and they carry everything to the agent, and you know everybody who makes complaint against the agent lands in jail; he is just as likely to go to the penitentiary as anywhere else. I am not making this statement as a wild statement. I am giving you the facts as to the Indians who have been and are in jail to-day just as I was put in.

Senator PAYNTER. Is this the same crowd of Indians who are here now who were so objectionable to the 200 that assembled in the council?

Mrs. GREY. George Pease is here and Joe Cooper—they are all here.

Senator PAYNTER. Is Cooper here?

Mrs. GREY. No, sir; he is not here; he was chosen by the Indians. Here is the letter.

Senator DIXON. The delegation of Indians who are here were chosen at their regular council held on the 15th of January, called by Major McLaughlin, an inspector in the Indian Service, and were regularly elected by this council of the Indians called by Major McLaughlin at that time, are they not?

Mrs. GREY. I was just stating the reverse.

Senator DIXON. What is your reply?

Mrs. GREY. I was just stating the reverse of that; they were not. I was taking these two Indians who were here. They had them in

the council before. George Pease is here, representing the Lodge Grass district—the Indians from Lodge Grass.

Senator DIXON. Please answer my question.

Mrs. GREY. No.

Senator DIXON. They are not?

Mrs. GREY. They are not.

Senator STONE. How many Indians are here in this delegation, do you know?

Mrs. GREY. Yes; they have all been to see me—not all of them, but most of them.

Senator STONE. How many are here?

Mrs. GREY. I do not know exactly; it is eight or ten. I am not sure.

Senator STONE. Are they here by authority of their people?

Mrs. GREY. They are here by the authority of their people and Major McLaughlin. There is a letter from the President of the Crow Indian lodge.

Senator STONE. Do you know these Indians?

Mrs. GREY. Yes, sir; I know them very well personally.

Senator STONE. Are they among the Indians you were in conference with at the agency?

Mrs. GREY. No; George Pease had been president of the Crow Indian lodge and he was unanimously voted out for taking a paper that he knew had been in use to the agent. They found it afterwards. It was absolutely proven upon him. He brought whisky on the reservation, trying to trap one of the Indians and get him in trouble, and he was voted out of the Crow Indian lodge. The Crow Indian lodge is composed of a majority of Indians in Lodge Grass district. Joe Cooper is their president. He was chosen by the Indians, so the letters say, and in his place George Pease comes here. Now, I would naturally say that he was not chosen by those people.

Senator STONE. Who substituted the one for the other?

Mrs. GREY. You heard what Senator Dixon said, who called the meeting and who brought them here?

Senator STONE. Do you mean to say that Mr. McLaughlin made the substitution?

Mrs. GREY. I was not there and I do not know. I simply know the Indians very well and know all the circumstances connected with it, and I know that the Lodge Grass Indians would not have anything whatever to do with George Pease, and they did choose Joe Cooper. He is the president of their lodge and is very much trusted by them, and when the Indians sent delegates to the Crow convention Joe Cooper was the man they chose to go to Helena. George Pease is the man they warned him against.

Senator STONE. Do you mean to say that the Indians who are here are not authorized to speak for the Crow tribe?

Mrs. GREY. Not by the Crow Indians in regular council assembled.

Senator STONE. Are they representative men?

Mrs. GREY. No; they are not. There is not a man here who is not a bad man. Frank Shively is the man who misrepresented Plenty Coos when he was here before. These are not wild statements. These are the men that Secretary Garfield said he would have here, and Frank Shively is the man who made the interpretation, and when Plenty Coos came to the grand jury at Helena, when he was summoned there, they brought Carl Leiter there as interpreter,

and Alex. Upshaw and the Indians of the Pryor district, that is Plenty Coos's home, chose Arnold Costo and Strikes Himself on the Forehead. They chose those men and paid their expenses and sent them to Helena, and the letter was written to the foreman of the grand jury which Plenty Coos understood he should not submit unless Arnold Costo was there to listen, because he was afraid of those other men, and these are the men who are brought here now.

Senator STONE. Do you personally know these men?

Mrs. GREY. Yes; I know them all personally, every man who is here.

Senator STONE. In this delegation?

Mrs. GREY. Yes; personally.

Senator STONE. You say they are not representative men of the tribe?

Mrs. GREY. No; they are not. There is not a man here——

Senator STONE. One moment. Are they regarded there as reputable Indians?

Mrs. GREY. No; they are not.

Senator STONE. You say they were not sent as representatives of the tribe?

Mrs. GREY. No; they were not.

Senator STONE. Do you know how they were selected?

Mrs. GREY. No; I do not, except as they have written me these letters. I know that the reservation was under quarantine for smallpox at the time and no Indian who did not have a written permit from the agent could go.

Senator STONE. Do you mean to intimate, or to say, that they were selected by officials and sent here for a purpose?

Mrs. GREY. I do, yes; I say that Carl Leiter, when Mr. Dalby brought him to the last council I attended, he would not send him away and we compromised. Carl Leiter, who is the head of this delegation here, or one of the heads, was put outside with a guard over him to prevent him hearing what was said. Now, that does not sound as if he was in good standing with the tribe.

Senator DIXON. Let this go into the record for the benefit of Senator Stone in answer to his inquiry, that this delegation of Indians, so the Commissioner of Indian Affairs informs me, are the regularly elected delegates at the full council of the Crow tribe, called by Major McLaughlin, an inspector sent out by authority of the Commissioner of Indian Affairs and headed by Chief Plenty Coos, the head chief of the Crow Indian tribe, and are here with their regular credentials from the full conference of all the Crow Indians. I desire that their status be understood.

Senator SUTHERLAND. Where does that information come from?

Senator DIXON. From the Commissioner of Indian Affairs.

Senator PAYNTER. Was Chief Plenty Coos distrustful of those other Indians at the time you speak of?

Mrs. GREY. When Dalby was there, yes. When those Indians came to Helena I did not know any of them; I do not know that I have ever seen any of them before. This was done by the tribe on their own initiative and was nothing that I had done.

Senator PAYNTER. When was Dalby there?

Mrs. GREY. This was the time we had the investigation.

Senator PAYNTER. But about the date—I do not know about these matters.

Mrs. GREY. It started about the 1st of December and ran forty-nine days.

Senator PAYNTER. This last December?

Mrs. GREY. Yes; we had just gotten through there.

Senator PAYNTER. Could it be that the tribe had had another council and designated these people to represent them before the committee?

Mrs. GREY. I have here a protest signed by 140 Indians.

Senator CURTIS. Is Chief Plenty Coos here?

Mrs. GREY. Yes; and a reliable old man he is. He can not speak a word of English.

Senator CURTIS. Is there no reputable interpreter with them?

Mrs. GREY. No; not one.

Senator STONE. Do you understand the Crow language?

Mrs. GREY. No; but these men I know all speak English.

Senator PAYNTER. Is there any man in this city who is reputable and could converse with this chief that you mention?

Mrs. GREY. I do not know, but now here you have got a letter from those men that were put before the grand jury; Mr. Sniffen has a copy of it, and which was signed by those men and addressed to the foreman of the grand jury, asking that Arnold Costo may be used as interpreter, and he was sent there for that reason. It was read to Plenty Coos.

Senator PAYNTER. He would not then trust the man who is here to act as interpreter?

Mrs. GREY. No, sir.

Senator BRANDEGEE. Are these Indians who are in this delegation here any of those people to whom you alluded as being spies?

Mrs. GREY. Every one of them; there is not one exception, except Plenty Coos, but he speaks no English. The chief you have got here; you have Frank Shively, who is a Government employee, and from his record in this Bair matter you will see that there must have been something crooked there. Plenty Coos said when he was in Billings and when he went back to the reservation that from the things in this letter that Mr. Shively used that he did not write, and there were not things there that he did say. That was known among the tribe. Carl Leiter is the man who is drawing $75 a month as boss herder.

Senator PAYNTER. Is he here?

Mrs. GREY. Yes; he is here. Mr. Dalby, in his report, did not know this, but he was the agent of Henry; he runs the cattle ranch in which Mr. Henry is interested. That is two. Big Medicine is chief of police. He is the man that Secretary Garfield wrote to when he was coming to the grand jury in Helena, a personal letter, in which he made reflections upon him of some kind, I do not know what. The Indians were talking about it, and I would very much like to have that letter produced here. It was written by Secretary Garfield to Big Medicine in Billings, when they were on their way to Helena to this trial, in which it was said that anyone who opposed the agent would have to leave the reservation. I know that two letters of that character were written.

Senator PAYNTER. By whom were they written?

Mrs. GREY. By Secretary Garfield.

Senator STONE. Have you any objection to going on with this list of names?

Senator SUTHERLAND. In this immediate connection I want to get it straight in my own mind. Were the Indians invited to send representatives here to Washington for this hearing?

Mrs. GREY. I do not know what was done; you see, I was in Helena and came on here, and I do not know just what went on at the Crow Reservation. I have letters from them. I would like to have you go on with that list.

Senator SUTHERLAND. You do not know, then, as I understand, how the Indians came to be brought here?

Mrs. GREY. No; because I was not down there.

Senator SUTHERLAND. But, as I understand you, you did say that all of the Indians, with the exception of the chief, are under the control of the agent?

Mrs. GREY. Yes.

Senator SUTHERLAND. And that they are not friendly to the interests of their own people?

Mrs. GREY. No; they are not, and their record will show that. I have letters from the tribe, and from the people, protesting against this delegation that has come here. They were sent to Mr. Sniffen, and here is the letter from Joe Cooper, and we have a letter from the missionary, Mr. Burgess, and Horace Longbear, who is one of the Indians here, is a well-educated man, and was in the Army. He was enough of a man to be made a sergeant over white soldiers, so he must have some strength of character. He was chosen from the Pryor district, as Mr. Burgess wrote——

Senator SUTHERLAND. How was this protest procured, by whose instrumentality?

Mr. SNIFFEN. I will say that Joe Cooper is president of the Crow Indian Lodge at Lodge Grass. I stopped at Parkman on my way down to Helena, and he said they were very much opposed to the delegation being recognized; in fact, that many of the Indians knew nothing of the council until it was over.

Senator SUTHERLAND. I want to get from Mrs. Grey, if she knows, information about this protest. There is a protest here, you say, signed by 140 Indians.

Mrs. GREY. Yes.

Senator DIXON. All in Joe Cooper's handwriting. You want to look at it [referring to paper]?

Mrs. GREY. Now, I do not like that insinuation. These Indians do not do that.

Senator STONE. You do not like what insinuation?

Mrs. GREY. That they were all in Joe Cooper's handwriting.

Senator PAYNTER. Just go on and state with regard to these Indians here, because it is very important for us to know what connection they have with the people under investigation.

Mrs. GREY. I told you about Carl Leiter——

Senator STONE. You had better refer to your list.

Senator PAYNTER. Just tell about their official connection with the agency, if any, or if they are employed by the Government.

Mrs. GREY. I told you about Carl Leiter—I think it was Carl Leiter, Frank Shively, and Big Medicine. Big Medicine was the chief of police, and how Secretary Garfield was sending him these

letters, and I do very much wish that you would get those letters and have them brought here. He is the chief of police. Now, as to the kind of man he is, I have an affidavit here of Lucy Old Horn, who told Miller, the clerk, that she was coming up to Helena to tell all she knew, and she found herself very quickly in the Billings jail under three months' sentence, and Mr. Reynolds put her there. I will read the statement. They are not things that I want to bring out here.

Senator PAYNTER. I want to know what the charge was. You say the agent just throws them in jail.

Mrs. GREY. He does.

Senator PAYNTER. What was the charge against Lucy Old Horn?

Mrs. GREY. I will read the affidavit.

Senator PAYNTER. Just answer the question without going into the affidavit.

Senator SUTHERLAND. Can you not answer the question without looking at your papers?

Mrs. GREY. They said she was living with an Indian there. They had just come to Billings. It was a case of abortion that had been committed on the reservation, and Reynolds knew it. Doctor Park had been called down there against his will, and Lucy Old Horn was the one who brought the Indian down there. It was Big Medicine's daughter, the wife of Sees With His Ears.

Senator STONE. I would like very much to get into that record in a consecutive way a statement about this delegation here. You said that they were all in some way connected with the agency.

Mrs. GREY. Yes.

Senator STONE. Now, I do not want a long explanation about each one, but a mere statement of each one and what his name is.

Mrs. GREY. Big Medicine is the chief of police; Scolds the Bear is a policeman; See With His Ears is the son-in-law of Big Medicine, who lives with the police there, and, I think, he has some kind of connection, I do not know what. Frank Shively is one of the property clerks; Alex. Upshaw, if he is here—I am not positive that he is here, but he was to be here, and I suppose he is—is the man who Mr. Dalby used in some way. I do not know what happened, but there came an order to arrest me, and he said that the Indians had ordered him to arrest me and put me off the reservation, and he worked, whatever he did, through Aleck Upshaw and has to do all that he says. Aleck Upshaw was given a position at $100 a month in some kind of ethnological investigation by the Government. I do not know what it is.

Senator STONE. He has a position you say?

Mrs. GREY. He has a position at $100 a month there, and notwithstanding his having that position they brought him to Helena as interpreter at $5 a day. That is Aleck Upshaw. That is about all.

Senator STONE. Are there any more of those people here?

Mrs. GREY. Plenty Coos; he can not speak English. Oh, there is James Hill. He is the man who, when I sent down for these Indians at Wyola, came to Billings and had the Indians go on and not come near Wyola.

Senator STONE. Is he here?

Mrs. GREY. He is here. I think Dave Stewart is president of Elk Lodge.

Senator STONE. Was he antagonizing your presence there; was he trying to prevent your staying there?

Mrs. GREY. James Hill? No, sir. I think you were not in the room when we went into that matter. I was in Billings and was to come back to the reservation to meet some of the Indians——

Senator STONE. I do not care to have you repeat what you said.

Mrs. GREY. He was the one who misconstrued my message and sent down to Sheridan, where they were arrested.

Senator STONE. Does he hold any official position?

Mrs. GREY. He was at one time interpreter, and I think he is now.

Senator STONE. Is he a full blood?

Mrs. GREY. I do not know. He speaks English.

Senator STONE. Is he the man who is here as interpreter?

Mrs. GREY. No; I think Frank Shively is here as interpreter.

Senator DIXON. There are some more, Senator Stone. I will give you the list. David Stewart is here as one of the delegates, is he not?

Mrs. GREY. Yes.

Senator STONE. Well, what of him?

Mrs. GREY. I think he is president of the Elk Lodge—if he is not he was at one time.

Senator STONE. Is that the lodge that made the protest?

Mrs. GREY. No; that is the lodge that was organized some time ago to offset the effect of the Crow Indian lodge. I will tell you just a little matter that will show you just what that lodge is—if any of you know what Turtle Tong among the Chinese is, these Black Hawks among the Indians are. It is the most disreputable thing that there is.

Senator STONE. Is he a representative man?

Mrs. GREY. This lodge was formed when Mr. Reynolds came back from Billings, but not when the Indians were arrested. Mr. Burgess, who is the agent, says that they had a meeting of this Black Hawk lodge, and Mr. Reynolds joined this lodge. They had a barbecue there and had a dance in the Government carpenter shop, and at that time they organized the Elk lodge out of these Black Hawks. They are nearly all Government employees. Everyone of them are men whom he can depend on for using.

Senator PAYNTER. Did the other Indians on the reservation distrust these Indians?

Mrs. GREY. Yes, sir; absolutely. He told them they were members of the Elks, that he was a member of their lodge, and they were members of his lodge, and they were brothers. You can get the Reverend Mr. Burgess to prove that; he was there, and Mr. Ballou; and Mr. Ballou, who is the Government carpenter, made this statement of the whole thing to the Indian Rights' Association. Those are two pretty reputable men who told this. I am not positive, but I have been told that Dave Stewart is president of this lodge.

Senator STONE. Is there another one, Senator Dixon?

Senator DIXON. Plenty Coos, Sees With His Ears, James Carter, and Big Medicine.

Mrs. GREY. Oh, I have forgotten George Pease.

Senator STONE. Have you mentioned George Pease in your list?

Mrs. GREY. Yes. He has a long history.

Senator STONE. I do not care for his history just now. I want to know if he holds any official position?

Mrs. GREY. No; I do not think he does.

Senator STONE. Is he trusted by his tribesmen?

Mrs. GREY. He came with Mr. Dalby to this council and was sent away at the request of the Indians.

Senator SUTHERLAND. Just answer the Senator's question.

Senator STONE. Is he respected by his people?

Mrs. GREY. He is a disreputable man and is not respected by his people. George Pease was a very decent man until the agent got a hold of him. He is a man who drinks pretty hard but who has a very nice wife and a good family, and has had a good standing until this matter came up. He was president of the lodge, but he was voted out. They would not have anything to do with him.

Senator PAYNTER. What lodge?

Mrs. GREY. The Crow Indian lodge.

Senator BRANDEGEE. Are all these Indians members of Elk Lodge?

Mrs. GREY. Everyone; I do not think there is a Crow in the lodge except Plenty Coos.

Senator BRANDEGEE. Are all these Crow Indians full bloods?

Mrs. GREY. No.

Senator BRANDEGEE. Are any of them full bloods?

Mrs. GREY. Plenty Coos, Big Medicine, Sees With His Ears, and Scolds the Bear are full bloods. I think the others are half-breeds.

Senator DIXON. The others are all Carlisle boys, are they not?

Mrs. GREY. I think so.

Senator BRANDEGEE. Is George Pease a Carlisle boy?

Mrs. GREY. No; he is not. He is a son of Major Pease.

Senator DIXON. Mrs. Grey, David Stewart, one of these delegates, has signed this protest of Joe Cooper's, has he not?

Mrs. GREY. I do not know; I expect he has.

Senator DIXON. Then he is certainly not in the conspiracy, is he, if he is one of Cooper's proteges who signed the protest?

Mrs. GREY. You never can tell. He has his spies everywhere. Joe Martinez, who is secretary of the Crow Indian lodge, said that he did not believe that Reynolds would put me in the penitentiary or open the reservation or do some of the other things he said he was going to do. And Joe spent three days in jail for saying it; so they do not trust everybody who comes to the lodge.

Senator PAYNTER. Was that for expressing an opinion?

Mrs. GREY. Yes.

Senator DIXON. As a matter of fact, the whole delegation that is here are against opening the reservation, are they not?

Mrs. GREY. No; I think not. I think it is this way: They say that they have got to open the reservation; that there is no hope for them, but there is a chance if they will vote for the horse-breeding bill that they may save their land. I think that is the way they feel about it.

Senator DIXON. You are against the opening of the reservation, are you not?

Mrs. GREY. Very much: yes, sir.

Senator DIXON. You think the Indians are better if continued on the reservation than allotted?

Mrs. GREY. No; I do not. I thing the reservation has been the greatest curse of the Indians. I would abolish the Indian reservation and the Indian Department and let the Indians who are educated

have what they have been promised for the last twenty years and which they are capable of taking.

Senator PAYNTER. Why are you opposed to the opening of this reservation?

Mrs. GREY. Because a great many of these Indians do not know where their allotments are, and they have spent all their money for about ten years, most of it, at least a great deal of it. They spent $400,000 of their annuity money in opening these ditches and it has been spent on the reservation. I think that is not a wild statement when I say that the Indians are expected to give up their irrigated land, is it?

Senator DIXON. Not in the least.

Mrs. GREY. There is something about irrigated land.

Senator DIXON. Not in the least. The Indian allotments cover all the irrigated land on the reservation.

Mrs. GREY. But the same thing that Senator Heyburn killed in the Indian bill I think you will find in spirit in this bill. Is that not so, Senator Curtis?

Senator CURTIS. I do not know a thing about this bill.

Senator DIXON. The bill is like every other Indian bill that has passed Congress for five years.

Senator PAYNTER. What is the extent of the reservation?

Senator DIXON. About 1,800,000 acres. Now you spoke of Cooper's protest. I will ask you if that [exhibiting paper] is not in Joe Cooper's handwriting?

Mrs. GREY. Yes.

Senator DIXON. There are 140 signatures to it.

Mrs. GREY. I used Mr. Sniffen's statement for that. They are certainly not all in Joe Cooper's writing.

Senator DIXON. Do all these Indians write?

Mrs. GREY. A great many of them write as well as you do.

Senator DIXON. Now, I would ask the members of the Senate committee to examine the Joe Cooper protest, with the signatures there, and ascertain for themselves whether Joe Cooper has written the signatures or whether they have been written by the individual Indians.

Senator STONE. Mrs. Grey, have you examined that protest before?

Mrs. GREY. I never have seen it before.

Senator STONE. You say the signatures are not in the same handwriting?

Mrs. GREY. Joseph Martinez's certainly is not; Walks Over Ice—James Blaine's is not——

Senator STONE. Do you know him?

Mrs. GREY. Yes.

Senator STONE. Can he write?

Mrs. GREY. Very well. Here is his writing. I think he is a Carlisle boy.

Senator BRANDEGEE. Do you recognize that signature as being his handwriting?

Mrs. GREY. I do not know his handwriting well enough to know, but I know it is not Joe Cooper's.

Senator DIXON. Of the 140 signatures on that paper, has a single one of them made his signature with mark and cross?

Mrs. GREY. I do not see any here. Now, I do not say they can all write, because I know there are a lot of them who can not, but I say they are not all in Joe Cooper's handwriting.

Senator PAYNTER. Will you point out any signature that is in Joe Cooper's handwriting?

Mrs. GREY. Here is one, Joe Cooper; that is in his handwriting.

Senator BRANDEGEE. Now point out another one—just give the signatures and state whether they are signed in the same handwriting. You say you know Joe Cooper's handwriting?

Mrs. GREY. Yes.

Senator BRANDEGEE. Now pick out another one.

Mrs. GREY. These look as if they were in the same handwriting [indicating].

Senator BRANDEGEE. Pick out the ones that you think are in his handwriting beside his own name.

Mrs. GREY. I do not see that there are any.

Senator BRANDEGEE. You do not think any of these—not the body of the protest; I do not care what he says, but I want you from your knowledge of his signature, to point out some other signature that is forged, if that is the word.

Mrs. GREY. I should say that that was [indicating]. I think that looks like his writing.

Senator BRANDEGEE. What is the name?

Mrs. GREY. Good Luck. Good Luck can not write.

Senator BRANDEGEE. You think Cooper wrote it.

Mrs. GREY. I think he may have; I did not say that he did; but I say he might have. I know Good Luck can not write.

Senator BRANDEGEE. Now point out any others that you think he wrote.

Mrs. GREY. There are not any here.

Senator BRANDEGEE. You think those two are the only ones he wrote.

Mrs. GREY. I think that "Pryor District" was written by him—no, these are not in the same handwriting.

Senator BRANDEGEE. Do I understand you to say that of all the names signed to that protest you think Joe Cooper wrote but three?

Mrs. GREY. No; I think he wrote his own name, and he may have written Good Luck's name; but I do not know, and I think he wrote the words "Pryor District"—I do not think he did either. I do not think there is a single one in Joe Cooper's handwriting here except his own signature, at least I can not see one that I think is.

Senator DIXON. I will ask you if all these signatures are not written in two or three handwritings?

Mrs. GREY. Why, no; did you look at it?

Senator DIXON. Outside of four or five signatures.

Mrs. GREY. Did you look at it? Walks Over Ice is one, James Blaine is two, Walter Jack Rabbit is three, Ben. Hillside is four, James Carpenter is five, Arthur Peters is six, Lew Yellow Mule is seven, Barney One Goose is eight, Joseph Martenez is nine, J. W. Cooper is ten. These Indians are all agency Indians and they can write. This is not the same handwriting—Jack Covers Up, that is not the same; Bird Far Away, Shows As He Goes, Corner Of The Mouth—this is the one whose ditch carries water up the hill, put in by the Government, and he did not like it a bit, and he calls his ditch

"No water ditch," and his farm "Dry farm." He worked two years building this ditch. Hairy Moccasin, I do not know who he is. Dan Old Bull, He Writes. Wolf Lays Down, Cuts Gray Bull, I do not know; those look like the same writing. Top of Moccasin, Pretty On Top, can not write. Old Horn, Rides White Hip Horse, can not write. That may be Joe Cooper's writing; I do not think it is, is it?

Senator DIXON. Why, certainly it is. That whole page is in one handwriting, evidently.

Mrs. GREY. That page is not [indicating].

Senator DIXON. That whole second column on the first page is all the same writing.

Mrs. GREY. No; it is not. There is Old Horn; that is not the same as this.

Senator DIXON. The second page, you think, is written in one handwriting?

Mrs. GREY. No; I did not say that, Senator Dixon.

Senator DIXON. The third page, is that written in one hand, or not—where most of the names occur?

Mrs. GREY. No; it is not; I do not know, anyway. What difference does it make? I am not an expert in handwriting. I know that Joe Cooper would not sign a single name and would not allow a name to go in—I will state this absolutely, that he is incapable of lying. He has lots of faults, but anybody who can make Joe Cooper lie is pretty smart. He is pretty good at telling the truth.

Senator STONE. Can most of these Indians write their names—I mean the Indians from this agency?

Mrs. GREY. I should say half of them could.

Senator STONE. Well, you have looked over that list in the protest.

Mrs. GREY. Yes.

Senator STONE. Can those Indians write their names?

Mrs. GREY. Not all of them.

Senator STONE. Can most of them?

Mrs. GREY. Very many of them can; yes, sir.

Senator STONE. Well, the majority?

Mrs. GREY. No; I would not say the majority, either. As to some of these I do not know whether they can write or not. Quite a number of them I know can, and I know Joe Cooper would never sign any and say those were authentic if they were not. I will stake my life on that.

The CHAIRMAN. Now proceed with your statement.

Mrs. GREY. Senator Dixon says these names are all in the same handwriting, and I say they are not.

Senator DIXON. No; I do not know Joe Cooper's handwriting. I say the names have all been written, with four or five exceptions, by one or two hands, whether Joe Cooper's or whose I do not know.

The CHAIRMAN. Now, Mrs. Grey, proceed with your statement.

Mrs. GREY. Dalby came, bringing Carl Leiter as interpreter. The Indians protested against his presence, saying he was an enemy, a tool of the agent, and a spy. Dalby refused to allow him to be sent away; the Indians corraled him outside of the house, with a guard to watch him. During this council the Indians gave Mr. Dalby the name of "The Kitten that Chases its Tail," also names, "The Chicken," "Man with No Meat on His Hip Bones," which is a fair summary of their estimate of his conduct and his manner of

answering their questions. At the request of the tribe, acting as a tribe, Plenty Coos, as chief, gave Mr. Dalby their written request that I be allowed to act for them as their representative; and Mr. Dalby officially agreed to this, promising them he would not hear any charges unless I was present, and had been given opportunity to produce witnesses for the Indians. Mr. Dalby refused the Indians an interpreter they trusted, and time in which it was a physical possibility for them to bring witnesses from back on the reservation, ordering me to be at the agency on the following Sunday morning (which was a physical impossibility) with my written charges and witnesses, to which I agreed; but I telegraphed President Roosevelt a protest (Exhibit Grey 34). On the following morning something occurred, I do not know what nor do the Indians, by which Mr. Dalby claims the Indians begged him to arrest me and expel me. This was after they had had sixteen hours, when they had absolutely refused to do it, and made all kinds of beautiful speeches. He did this through Alex. Upshaw, whom he rewarded by an appointment of $100 a month to get data for some ethnological research work, the nature of which I do not know, although prior to this time Alex. Upshaw had been regarded by the agent as a worthless drunkard, he having urged Rev. Mr. Burgess, Crow Agency, to prosecute him for cattle stealing, as well as many other charges against him. This same man, although drawing a salary of $100 a month and his expenses, was made official interpreter at $5 a day and expenses for the grand jury at Helena. He was expelled a fortnight earlier from the Blackfoot Reservation for having whisky, and was constantly drunk in Helena.

I was arrested by Mr. Dalby on charge mentioned in Exhibit —.

Senator DIXON. Could not the Helena police pick up a drunken Indian in the street?

Mrs. GREY. Sometimes they did and sometimes they did not. It depended on whether Major Reynolds wanted them arrested or not.

Senator DIXON. Reynolds hypnotized the police.

Mrs. GREY. Absolutely. When I went to the police and wanted to get Lucy Old Horn out of jail, I went to the sheriff, and the fact was that if Mr. Reynolds wanted to get her out she could get out, and if he did not she could stay in.

The Indians wanted Mr. Dalby to act upon three charges—Bair sheep, the Heinrich cattle, and the fact that John E. Edwards presented a power of attorney to the Committee on Indian Affairs, or to Congress, by which he was given authority to alter their treaty, incorporated in the act by which the reservation was opened in 1904. The Indians know nothing of this power of attorney, nor why their treaty was broken, nor why their land was taken without paying them a penny, so far as they have ever been able to find out. (See Report, p. 14, Inherited Land Sales.) In this council Mr. Dalby, unable to silence the Indians, called the president of the lodge, Joe Cooper, a "G—— d—— liar" and told him to get out of the tent. (Exhibit Grey 28.)

After this council was broken up there was some kind of meeting held in Lodge Grass. I do not know what it was, but Joe Cooper and these Indians found out that he was going to be held, and it has been very well established what occurred there. Mr. Dalby, in this council, unable to silence the Indians, asked how many Indians were with his men, and Cooper said he could not say that, "because if we

make statements that we can not prove you are going to send me to the penitentiary," and he said, "You come and I will show you." He said, "How many?" and Joe said, "I do not know," and he said, "You g—— d—— liar, get out of this tent."

Senator PAYNTER. Who said that?

Mrs. GREY. Mr. Dalby.

Senator PAYNTER. He was using white man's language?

Mrs. GREY. Yes, sir; but he was not angry and had not lost his temper, but the Indians all left the tent and that was the last time these Indians came together to meet him. They would not talk to him after that. Mr. Dalby's report, false in every particular, on the face of it to any man who knows anything of grazing, is sufficient guaranty of his object in going to Crow Reservation. He investigated entirely by taking statements which he incorporated in his report from those he was investigating, passing over such men in the neighborhood as were competent and able, often anxious, to give him facts, for the conduct of these people on the Crow Reservation is a crying scandal throughout Montana and Wyoming.

The citizens of both States, particularly, are indignant at the manner in which dead and live allotments are sold, and homesteads on the ceded portion of the reservation are illegally monopolized by Mr. Blair, members of the Lincoln Town Site Company, which is largely composed of the officials of the Burlington Railroad, have been taken, the land agent at Billings and the United States district attorney at Helena being absolutely under the control of these people.

Senator DIXON. Do you make that as a charge that the district attorney of Helena is under the control of Mr. Bair and the Lincoln Townsite Company?

Mrs. GREY. I say something was the matter with him. I stated that before, you will remember, at this trial.

Senator DIXON. But that is your statement now, as I understand it.

Mrs. GREY. I say this was a scandal. As I have said, the land agent at Billings and the United States district attorney at Helena being absolutely under the control of these people.

Senator BRANDEGEE. Who said that?

Mrs. GREY. There are different men up there. I can go into it and give you some names if you want them.

Senator BRANDEGEE. Do you make the charge?

Mrs. GREY. No; I simply say that this is what they said there.

Senator DIXON. Will you tell me the name of a single man in Helena who states that Carl Rasch is not a high-class man in every respect?

Mrs. GREY. Do you know C. D. Nolan?

Senator DIXON. Very well.

Mrs. GREY. He is one of his friends.

Senator DIXON. I do not know what their relations are.

Mrs. GREY. When Mr. Rasch's house burnt down, he stayed with Mrs. Nolan, and Mr. Rasch studied law with Mrs. Nolan's uncle. They are very close friends. Mr. Nolan was my attorney. The night before we left there he said that if I had been indicted that there were a number of men in town, and he and Mr. Walsh, who intended to bring this grand jury before Judge Hunt and Mr. Rasch as well, and poll the jury and ask them on what charges they had changed their mind with reference to my indictment.

Senator DIXON. That is not an answer to my question. I have known Carl Rasch for fifteen years, and you are the first human that I have ever heard to insinuate anything against his character. No man in the State of Montana stands higher and bears less suspicion of wrongdoing than this man that you now charge is falsely influenced.

Mrs. GREY. They had that in the jury, and he was expelled from the room, and the jury came very near indicting him.

Senator DIXON. The United States attorney was?

Mrs. GREY. He was expelled from the jury room. It is not a matter that I am making wild statements about. I will bring that out after while. T. J. Walsh is my authority, and it stood between Mr. Walsh and Mr. Rasch.

Senator DIXON. What did?

Mrs. GREY. Calling the witnesses. Mr. Rasch said he called all the witnesses, and he said I had given him a list of the witnesses. When Mr. Rasch came in and said I had not made any proof of anything, and he had called all the witnesses, and I said it was not true. Here is a statement that Mr. Walsh made and gave it to me. I denied it immediately to Mr. Walsh, and then he said it is not indictable, anyway.

Senator DIXON. I was simply saying that it was the first insinuation I had ever heard against Carl Rasch.

Mrs. GREY. He would not allow me to be called as defendant, and yet the people against whom the charges were made he called, and did not interview any single prosecuting witness, and I do not think that speaks very well for any United States district attorney; do you?

Senator DIXON. Although he stated that it was not true and the grand jury states in their finding, reported to the court, that they called every witness. I think that is a question of veracity between you and the grand jury.

Mrs. GREY. It can be very easily settled, Senator Dixon, as to the witnesses that were called. There must be a list of them in the United States marshal's office. I have a list of witnesses here that I wanted called on which Mr. T. J. Walsh wrote when I took it to him and asked him if it was his statement and if he was willing to come before the grand jury and say so, and he wrote in pencil "Indicted" all the way through. It is not a matter of my word, or your word, or anybody else's word. It is a matter of record. The witnesses were called—the witneses that he wanted called.

In his report Mr. Dalby said the case against me was complete on the 26th of June, but that on account of my being in another State I was not arrested at this time. (P. 4—head "Helen P. Grey.") In another place he said that he saw me in conference with Rev. Mr. Burgess at Billings in the latter part of June. It was right at this time—we were there three or four days altogether—that this Huntley opening occurred. This is his own statement, not mine.

It is a fact that I was in Billings, Mont., within the jurisdiction of the United States district attorney who arrested me, until the 1st of July; but that the grand jury was in session and they knew that there was no case on which to hold me. Consequently, I was not arrested until the grand jury was discharged—on the 16th of July, was thrown into jail, my letters not mailed, and given a preliminary hearing of the most outrageous character before their

creature, Judge Mann, at Billings. The next grand jury was not convened until about December 1, 1907. As soon as the Indians whom the agent wished to use as witnesses against me had been taken off the reservation he declared a quarantine of smallpox, being assisted in this by Doctor Fanning, the agency physician, who had formerly assisted him in declaring me insane. (See exhibits.)

Senator BRANDEGEE. Who declared it?

Mrs. GREY. Major Reynolds, with the assistance of—oh, you need not smile, Senator Dixon, because I have the order that was given to one of the agents not to sell tickets unless they were ticketed by the agents on account of the quarantine of smallpox, signed by the general superintendent of that division.

Senator BRANDEGEE. Major Reynolds declared it with the assistance of whom?

Mrs. GREY. Major Reynolds, with the assistance of this Doctor Fanning, who had already said I was insane.

Senator BRANDEGEE. Who is Doctor Fanning?

Mrs. GREY. He is a Government physician at the Crow Agency, and if you want to know anything about him, he is drunk most all the time. He has a beautiful record there.

Senator BRANDEGEE. Where did he give it as his opinion that you were crazy?

Mrs. GREY. It came to me. He said, "Have you not any friends to send for?" and began to talk to me as if I was crazy.

Senator BRANDEGEE. Didn't you say that he gave an opinion that you were insane?

Mrs. GREY. Yes, sir.

Senator BRANDEGEE. To whom did he give the opinion?

Mrs. GREY. Why, they were talking about it there, as a matter of fact, that I was insane. They had sent a crier through the town, I think, saying that I was violently insane, and for no one to come near the agency. Rev. Mr. Burgess can tell you more about it than I.

Senator BRANDEGEE. Who do you mean by they?

Mrs. GREY. Doctor Fanning and Mr. Reynolds; they had a United States commissioner there. They could have fixed it all right in there, and Mr. Server found it out and locked the door. He said, "Don't you get up; I won't stand for that." Then he got the telegram from me down to Doctor Marshall. You know Doctor Marshall, at Sheridan?

Senator DIXON. No.

Mrs. GREY. He came over that night and of course that ended it. This is the same Doctor Fanning. I can give you anything you want with reference to stories about me.

Senator DIXON. I have no question about that, Mrs. Grey.

Mrs. GREY. He is a very fine man.

Mr. Rasch, the United States district attorney, refused to allow me to be called when certain members of the grand jury asked to hear my side of the story. My attorneys, Walsh & Nolan, of Helena, had the grand jury summoned before Judge Hunt three times before Mr. Rasch permitted me to be called, saying that I was a defendant. I spent the greater part of two days before the grand jury, and several of them asked my attorneys to have the jury called before Judge Hunt again, which they did, Judge Hunt using as a basis certain charges made by Mr. S. N. Brosius, of the Indian Rights Association,

to the Commissioner of Indian Affairs as a basis upon which to start to make a thorough investigation of affairs on the Crow Reservation.

Senator BRANDEGEE. Was this a grand jury or a Federal court of the State?

Mrs. GREY. It was a federal grand jury. Mr. Brosius, however, failed to appear before the grand jury, and a list of charges was hastily prepared by Walsh & Nolan and myself to take his place. The grand jury adjourned for one month. There were two Government employees. Miss Hough and Mr. Ballou, that were called. The charge we wanted to establish was that Mr. Reynolds's brother-in-law, Clarence Brown, was drawing a salary as a farmer of one district and living at another. He was clerking in Mr. Bailey's store. In other words, he was giving no service as a farmer, but was drawing his money. I was there and saw him all the time, and never dreamed that he was a farmer. So I had Mr. Server called and Miss Hough called as a witness, and she said she scarcely knew him. Fred Server brought his hotel register in and showed just how long Clarence Brown had been living there, and for that he is in very serious trouble now. Mr. Dalby went to him and told him that he thought he had done more than was necessary in bringing out as much as he did, and he was surprised at him for doing it. I have a letter from Mr. Server in which he states that he expects to be ordered off the reservation at any time in conformity with a letter that I suppose Secretary Garfield wrote.

Senator STONE. Is there anybody out there connected with the public that you regard as an honest man?

Mrs. GREY. Well, I had a pretty hard time of it, and I do not know who are honest and who are not. I am just simply giving you my statement. Those are the ones we came in contact with. We found seven men on that grand jury who could not be bought or influenced in any way.

Senator STONE. I am not speaking of the grand jury, but of the men who are connected with the Crow Agency in an official character.

Mrs. GREY. Not one in the Crow Agency. They are all in there together. You should see Tim Burbank, the principal farmer over at Lodge Grass. In the first place, he is a miserable-looking creature, always lounging around, and if you want to find him at any time you can go to the traders' and you will find him there, smoking and spitting at the squaws' feet. He can not farm, although they say he came there as a farm cook with John Rankin and did not give any service, and they put him on as a farmer. He is a fair sample of what the farmers are in this Crow Reservation.

Senator STONE. You think that Reynolds is a bad man, do you?

Mrs. GREY. He is about as bad a man as you make them.

Senator STONE. You think that Commissioner Leupp winks at the wrongdoing out there, do you?

Mrs. GREY. I do not care to speak editorially. I am giving you the facts as to conditions out there.

Senator STONE. Do you think the Secretary of the Interior would endure knowingly any maladministration of that office or that agency, or that he has done so?

Mrs. GREY. Yes; I do very much—not only that agency, but other agencies.

Senator STONE. Do you think the President of the United States would?

Mrs. GREY. No; I do not; I think the President is all right, but I do not believe he knows about this.

Senator STONE. Have you told him about it?

Mrs. GREY. Not since he came back. I do not know what he knows of this.

Senator DIXON. You said yesterday that you had charged Secretary Garfield with everything that it was possible to charge him with.

Mrs. GREY. I do now, in his face.

Senator DIXON. And you said that he had not only prevaricated, but had deliberately lied?

Mrs. GREY. I did.

Senator DIXON And you said the same thing about Mr. Leupp, the Commissioner, did you not?

Mrs. GREY. No; I do not think I did.

Senator DIXON. You charged him with being foolish?

Mrs. GREY. What did I say? I do not know; I am too tired to be cross-examined now. I will finish my statement and then you can cross-examine me all you want to to-morrow, but wait until I get rested.

When the grand jury reconvened it was found that the United States district attorney had called as witnesses only those against whom charges were made, with the exception of three men whose names I had put in on charges of which I knew they knew nothing, and which they passed over, presumably thinking the three men would be friendly to the Government—E. L. Dana, Harry Thompson, and Fred Server. These men were a surprise to them.

Four Indians came from Pryor, having been sold tickets by the agent, Mr. Mills, who was immediately removed from his position for having done so. He has been, I think, sixteen years with the Burlington Railroad, and he was removed for having done this.

I was called before the grand jury. A violent attack was made upon me, charging me with having made statements that were visionary. My reply was that the United States district attorney had not examined one witness for the prosecution, had not called one witness that I had requested, excepting these three men, one of whom had been thirty years on the reservation and had been given eight minutes before the jury; another who had been twelve years on the reservation was given four minutes. In the attack upon me it was particularly noticeable that three men—Mr. Pickett, Mr. Miller, and Mr. Selvidge—were particularly vindictive. Of these three men, one had been thirty years on the reservation and another had been twelve years on the reservation, and was given four months.

Senator DIXON. Who said your charges were visionary?

Mrs. GREY. The grand jury. This was the beginning of the end. These are same men who, the first time we went there, the chairman of the grand jury said, "Mrs. Grey, it took us about twenty minutes to dispose of your case."

Senator DIXON. But they stayed there for forty-nine days?

Mrs. GREY. Yes; forty-nine days. Another thing, Mr. Rasch, or some one else, would not allow them to report on my case. They reported on every case as it came up, and when they came to mine,

mine was the only one they did not report on. They held that over. It was my case that they were working over. It was certainly a remarkable proceeding, if it was nothing else.

Senator DIXON. On what information do you charge that 18 men on a Federal grand jury entered into this false statement?

Mrs. GREY. I did not say that 18 men did. It was only signed by two, as I have said.

Senator DIXON. The chairman and the foreman, and the clerk, of course.

Mrs. GREY. Yes; so I was right in that.

Senator BRANDEGEE. You said that there were seven men on the grand jury who could not be bought or influenced. Do you mean to say that a majority of them could be bought?

Mrs. GREY. Ten of them were, probably.

Senator BRANDEGEE. Bought?

Mrs. GREY. Yes.

Senator BRANDEGEE. What do you mean by the word "probably?"

Mrs. GREY. Well, they were influenced, we will say.

Senator DIXON. They were the ten who voted for your indictment, were they?

Mrs. GREY. Yes.

Senator DIXON. And the seven honest ones were the ones who voted not to indict you?

Mrs. GREY. Yes.

Senator BRANDEGEE. Have you any evidence that any improper influence was used with the grand jury except the fact that they decided against you?

Mrs. GREY. There was a good deal going on and——

Senator BRANDEGEE. What I want is something definite, if you have anything definite. Have you any evidence of it?

Mrs. GREY. What do you mean?

Senator BRANDEGEE. Don't you know what evidence is? Any proof.

Mrs. GREY. Evidence of that kind is something that you have to find out. I have my opinion and other people have their opinion. I never saw one man hand another some money, if that is what you mean.

Senator BRANDEGEE. Have you anything but your suspicions?

Mrs. GREY. Nothing; except that those men who had been very friendly all at once turned the other way. There were two men there—one man by the name of Johns: he was one who voted against me in the beginning. He had no residence at Billings; his home was at Red Lodge.

Senator BRANDEGEE. Do you think that was evidence that he was improperly influenced?

Mrs. GREY. I think he ought not to have been put on the jury.

Senator BRANDEGEE. Do you think that is evidence that he was improperly influenced after he was put on?

Mrs. GREY. Do you want me to go into that?

The CHAIRMAN. I have already suggested to you, Mrs. Grey, that we want you to answer the questions.

Mrs. GREY. Did you ever hear of the trial of Senator Clark, in Helena, when C. P. Nolan was attorney-general there?

Senator DIXON. I have heard lots of that.

Mrs. GREY. Do you remember his statement when the jury found that Senator Clark had not bought any votes? Do you remember his charge to the jury?

Senator DIXON. No.

Mrs. GREY. Well, it was threshed out here. The last night before I left Helena I was at Mr. Nolan's house, and Mr. Sniffen was with me. Mrs. Nolan said——

Senator DIXON. Is this in relation to the grand jury that tried you or the Clark grand jury?

Mrs. GREY. This is in relation to this grand jury. They did not say but what plenty of money had changed hands—in fact that is what they said, and we were talking and saying that no one had seen anybody put money in one hand—seen it go from one to the other. We had seen them dining together at the Weiss Café.

Senator CURTIS. Do you mean members of the jury or officials?

Mrs. GREY. Members of the jury and Major Logan.

Senator DIXON. He is the Indian agent at Fort Belknap?

Mrs. GREY. Yes; he is the one I am coming to. Mr. Dalby and Mr. Morrill, president of the Lincoln Town Site Company, and others were all there, and Charlie Bair was there part of the time, and the grand jurymen were going in and out, drinking at the bar and dining while they were downtown. Oscar Beck, one morning when he was going downtown, was asked how he felt, or something of that kind, and his reply was, "I did not go to that dinner last night." That was the feeling there. The night before we left we were talking about these things. Mr. Nolan was attorney-general at the time of Senator Clark's trial; he was the one who prosecuted Senator Clark, and the jury found Senator Clark innocent, and when he got there he spoke very strongly to them, saying that they had been bought. His wife said on this night that Major Logan was the man who had done most of the buying, and she said, "He is the one who has been doing the work on your jury." That is the way it came out. I have written to her since to give me as many facts as she could, as I wanted to know just how much they have found out since, but I have had no reply to my letter.

Senator DIXON. That was the wife of your attorney who told you that?

Mrs. GREY. Yes; the wife of my attorney. Mr. Nolan was present and he joined in the conversation. We were all talking together.

Senator SUTHERLAND. When Mrs. Nolan told you that, you regarded that as a pretty serious charge against the grand jury, did you not?

Mrs. GREY. Yes.

Senator SUTHERLAND. Did you ask her how she knew anything about it?

Mrs. GREY. Yes; but I do not remember what she did say. I remember I asked her, "Did that come out publicly, or do you just think that?" What her reply was I do not remember.

Senator SUTHERLAND. Did it make any impression on your mind as to what reply she gave you?

Mrs. GREY. No; it did not. I do not think she answered. I think something else came up.

Senator SUTHERLAND. Do you know now on what she based that statement?

Mrs. GREY. Upon her husband's knowledge of this business.

Senator SUTHERLAND. How do you know that? Did she tell you that her husband had told her?

Mrs. GREY. He sat there; he was right there with her. We were all talking together.

Senator DIXON. Did Colonel Nolan intimate that the grand jury had been bought?

Mrs. GREY. He did not intimate it; he said so.

Senator DIXON. Did Colonel Nolan say that this grand jury had been bought?

Mrs. GREY. He said they had decided that if the grand jury indicted me they were going to call the jurors before Judge Hunt and poll them and require every one to say under oath under what circumstances he had changed his mind.

Senator DIXON. Nolan stated in the event the grand jury indicted you he was going to have them polled to know whether is was a true indictment?

Mrs. GREY. Yes; Mr. Nolan, I think I can almost say, did say that. He came home the night before that, and I thought I was going to be indicted because it looked like that as they had all fallen down.

Senator SUTHERLAND. What do you mean by saying that they changed their opinion? Had they before expressed their opinion in your favor?

Mrs. GREY. Yes.

Senator SUTHERLAND. How did they do that?

Mrs. GREY. They had voted not to indict me.

Senator SUTHERLAND. In the grand jury room?

Mrs. GREY. Yes.

Senator SUTHERLAND. How do you know that?

Mrs. GREY. One of the jurors told Mr. Walsh that I had nothing to be afraid of, and another one said, "Tell Mrs. Grey she need not worry." I wanted to go before the jury as defendant, and I said to Mr. Rasch, "I wish you had a stenographer here so that he could take my words just as I say them."

Senator SUTHERLAND. Let me undrestand you. Do you mean to tell this committee that the members of the grand jury, who had, I suppose, taken an oath to keep the proceedings of the grand-jury room secret, were going about telling how they would vote on the case?

Mrs. GREY. No; they simply got the message to me that I was not going to be indicted.

Senator SUTHERLAND. And it is upon that, that you now make the statement that they had changed their minds, because one or more of the grand jurors said to somebody that there was nothing for you to be afraid of?

Mrs. GREY. No; it was given out to the different reporters. It was generally known that I was not indicted.

Senator SUTHERLAND. Before the grand jury reported?

Mrs. GREY. Yes.

Senator SUTHERLAND. You were not, as a matter of fact, indicted?

Mrs. GREY. No, sir.

Senator SUTHERLAND. So the information was correct in that regard.

Mrs. GREY. Yes.

Senator SUTHERLAND. Then, why did you say that the grand jurors had changed their attitude, or their minds, about it?

Mrs. GREY. When I made this statement to Mr. Rasch, that I wished he had a stenographer to take down my words so that they could be used at my trial, Mr. Pickett, who was foreman of the grand jury, said, "You do not need to worry about it, Mrs. Grey. It took us twenty minutes to decide your case," and they all smiled.

Senator SUTHERLAND. You were not indicted?

Mrs. GREY. No.

Senator SUTHERLAND. Then you have no reason to say that the grand jurors changed their minds?

Mrs. GREY. Well, it gave me the inference that nobody had voted against me. I can not give just his words.

Senator SUTHERLAND. But nobody had told you that, as I understand?

Mrs. GREY. Well, he did tell me that. That was what was said there. They were just as friendly to me as possible and very indignant about these other people. They spoke about them, and were determined to have this investigation and indict the other people. That was their idea.

Senator DIXON. When they started out after hearing your charges?

Mrs. GREY. Yes.

Senator DIXON. That is my information, too; but when they had finished up, after forty-nine days, they unanimously voted that your story——

Mrs. GREY. No; they did not unanimously vote. I want to correct you as to that.

Senator BRANDEGEE. So you claim that when the grand jurors first began their sessions they intended to indict you?

Mrs. GREY. No; they did not.

Senator BRANDEGEE. What did you mean by changing their minds, then?

Mrs. GREY. In the beginning they all voted not to indict me——

Senator SUTHERLAND. How do you know that they all voted not to indict you?

Mrs. GREY. There was a man by the name of Johns, who was the clerk of the grand jury. This man Johns, on Sunday afternoon, about 4 o'clock, sent a note to me signed "A Friend." I did not know who it was from. I have the note here, in which he said he wanted to come up and see me with my consent, and I wrote back to come. Well, he came, and I saw that it was Johns who had been a member of the jury. I did not know who it was that was coming.

Senator DIXON. Was this after the jury had adjourned?

Mrs. GREY. No; it was while the jury was in session. He came there and showed me the papers that he had before the jury and he showed me mine where it stated that there was no indictment, and he told me that nobody had voted against me. He said he was one of the best friends I had.

Senator SUTHERLAND. He told you no member of the grand jury had voted against you?

Mrs. GREY. Yes.

Senator SUTHERLAND. You did not place any reliance on that?

Mrs. GREY. No.

Senator SUTHERLAND. Did you have any other information that any member of the grand jury had voted against you?

Mrs. GREY. I did not say no member. There were two members that did vote against me all the time. This man Johns was one, but I do not know the name of the other. They voted against me all the time. They were the only two.

Senator DIXON. H. G. Pickett, who was foreman of the grand jury—do you think he was one of the men that was bought?

Mrs. GREY. Yes; he was one of the very men.

Senator DIXON. The foreman of the grand jury?

Mrs. GREY. Yes; he was one of the men who told me, in the friendliest way he possibly could say it, that it had taken them but about thirty minutes to decide my case.

Senator BRANDEGEE. I thought Senator Dixon asked you whether the foreman of the grand jury was one of the men that had been bought?

Mrs. GREY. He said nothing more. He voted against me.

Senator DIXON. And for that reason you think he was bought?

Mrs. GREY. Yes.

Senator DIXON. Are you not aware that H. G. Pickett is a man of the highest standing in the city of Helena?

Mrs. GREY. Yes, sir; just about this time he got an appointment on the rivers and harbors commission, but I do not know anything about it.

Senator BRANDEGEE. Do you mean that he was bought with money or with this appointment.

Mrs. GREY. I do not know; there are different ways of buying people.

Senator BRANDEGEE. I did not know but what you had some evidence with regard to that.

Mrs. GREY. Only just that. When a man has been very friendly to you and turns against you, you wonder what caused it.

Senator BRANDEGEE. You may wonder about it, but do you think that that is sufficient ground for you to come before the Senate committee and make a statement that a man in an official position has been bought?

Mrs. GREY. I do not think I made that as a definite charge.

Senator BRANDEGEE. I will leave it to the stenographer's notes.

Mrs. GREY. We have been talking here back and forth, and I am not responsible for everything I have said.

Senator BRANDEGEE. Well, we do not want you to say anything that you would not be responsible for.

Mrs. GREY. I am responsible for what I say, but I want to say now that some of those members were certainly influenced against me. Major Logan was there working against me. He was the man who was accused by at least the former attorney-general's wife, in her husband's presence, as being the man who had bought the jury (and helped buy the legislature) which tried Senator Clark. That is the statement that I wish to make now. As I say, I never saw any money change hands.

Senator DIXON. Who appointed H. G. Pickett as a member of the rivers and harbors commission?

Mrs. GREY. I do not know.

Senator DIXON. I never heard of that appointment.

Mrs. GREY. I was talking to Mr. Nolan and he said he did not know anything about it.

Senator DIXON. I think he was one of the Montana delegates to this convention and that he served without money and without price as such a delegate. I should not think that would be very improper.

Senator SUTHERLAND. Have you finished your statement, Mrs. Grey?

Mrs. GREY. I am very nearly through. As I was saying when I was interrupted, in the attack upon me it was particularly noticeable that three men, Mr. Pickett, Mr. Miller, and Mr. Selvidge, were particularly vindictive. These three men, six weeks previous, had been noticeably kind and friendly when I had been before the jury. Mr. Pickett told me, at the first time, that it required only about twenty minutes to decide upon my case; that they had wanted me to come before the jury in order to investigate the reservation. It was generally known at this time that I was not indicted. The district attorney, Mr. Rasch, held back the report upon my case when the grand jury made their report just before Christmas. As to the change in the sentiment on the part of the grand jury, Mr. M. K. Sniffen, of the Indian Rights Association, will inform you.

Senator DIXON. What did Pickett tell you there? You started to read something that Pickett said.

Mrs. GREY. He said that it took them about twenty minutes to decide my case, and I have forgotten what Mr. Rasch said about the matter. Mr. Pickett in every way defended me against Mr. Rasch. Mr. Rasch was very disagreeable. I asked him at the time what they had ever held me on, and asked him to point out anything in that statement that they had ever held me on. I told him that some of the best lawyers in the United States had had that and they said there was not a single thing in that on which I could be held.

Senator DIXON. Did you meet any honest people up in Montana, Mrs. Grey?

Mrs. GREY. Lots of them; yes.

Senator DIXON. Any in official life?

Mrs. GREY. There is one in official life who I am sure is honest.

Senator DIXON. Who is that?

Senator SUTHERLAND. You mean Senator Dixon?

Mrs. GREY. I am sure of that.

Senator DIXON. I thank you. You never heard of any tracks that I had made on the Crow Reservation, did you, Mrs. Grey?

Mrs. GREY. I do not know of any.

Senator DIXON. If I have had any connection with matters down there I would be very glad to hear about it. As a matter of fact, I was never across it except once on the railroad that I know of, or ever saw it, except that one time.

Senator STONE. Are you through with your statement?

Mrs. GREY. Yes.

Senator STONE. Have you now got your whole case in?

Mrs. GREY. Well, there are all of these papers here that I would like to have in the record.

The CHAIRMAN. Do you desire to say anything else?

Mrs GREY. Yesterday, in discussing the matter, the committee seemed to be cloudy about how the land was passed—how the land is bought.

Senator PAYNTER. You mean the town site?

Mrs. GREY. Yes; there was one thing I thought I could explain by using one of these letters to give you an idea of what I mean. Do you want me to do that?

The CHAIRMAN. Just make your statement to this committee of such facts as you desire to state.

Mrs. GREY. Well, when we were discussing the matter yesterday, you said, when I said that Mr. Reynolds had probably some connection with the land company, that I was making a serious statement, and, I think, you said it was a wild statement, Senator Dixon?

Senator DIXON. I would not for the world have you neglect to make any statement here that is based upon fact. If anybody is guilty we want to know it.

Mrs. GREY. What I meant was that you thought I had not any proof of what I was saying. We will take up this case and the history of it, and this will explain the whole thing better than the general way that I have explained it.

Senator DIXON. Let me ask you a question in a friendly spirit. Have you not taken rumors from any source that came to you and treated them in your statement to the committee as matters of fact?

Mrs. GREY. I do not think you will find it so, when you find that the letter is attached. I do not think I have made a single statement, that I make as a statement, that can not be borne out, where I did not give you the witness or else give you the letters here. I have two or three times stated rumors, but when I have done so I have said that they were rumors. Now, remember, Senator Dixon, that I am not coming here to you as bringing the results of a full and complete investigation of this matter; I am coming here to state only what I know in the hope that you will find out more of the facts. I am not coming here as having completed an investigation, not by any means.

Senator DIXON. Now, I ask you this question, Mrs. Grey, so that you may be a little more guarded in some of your statements. You charge here as a fact that the Lincoln Town-Site Company had acquired title to 13 town sites under the Huntley irrigation project, when I know, and every officer of the Government who has had any knowledge of these affairs knows, that the title to those town sites are still in the Government of the United States. It is just such statements as those that I refer to.

Mrs. GREY. This is the same matter about which we were talking, and in which I said that Senator Teller had stated a certain thing and your stating that there was no mention of this money in the Indian bill. There is nothing in this bill which will prevent—we might put it—the Indian Department from investing the million dollars provided for in this bill; now, is there?

Senator DIXON. There is absolutely no foundation for that statement. It is such wild statements as that that make some of us wonder whether or not all of your statements are not based on mere rumor instead of facts. There is not a word in the Indian horse bill that permits the Indian agent or the Commissioner of Indian Affairs to invest a million dollars of Crow money—or any other sum.

Mrs. GREY. But there is nothing here to prevent that. It is to be capitalized for a milllion dollars. Where is the million dollars to come from?

Senator DIXON. I do not know; whoever subscribes for the stock, I suppose.

Mrs. GREY. Now, you know that those Indians have not got a million dollars in their pockets.

Senator DIXON. You are appearing here as against the Indian horse-breeding farm proposition, too?

Mrs. GREY. Very much; yes, sir.

Senator DIXON. Do you know anything on earth about it, Mrs. Grey?

Mrs. GREY. You say that I do not.

Senator DIXON. No; I ask you if you do.

Mrs. GREY. I say that it is to be capitalized at a million dollars.

Senator DIXON. Have you read the bill?

Mrs. GREY. Yes; very carefully.

Senator DIXON. And on your reading of the bill you make the statement that a million dollars or more of the Indian money can be taken by the Government and invested in this horse farm. Is that a sample of your reading of the bill?

Mrs. GREY. I say there is nothing here to prevent its being done. I do not say it was ordered to be done.

Senator DIXON. And that is your knowledge of it, and your opinion, after having read it. Are you aware that this bill was prepared under the auspices of the Indian Office?

Mrs. GREY. Yes; I thought it was and thought it took the place of that sugar-beet bill pretty well.

Senator DIXON. What sugar-beet bill was that?

Mrs. GREY. The one that Mr. Leupp wanted passed.

Senator DIXON. I never heard of it.

Mrs. GREY. Well, it is in the report of 1905 or 1906, if you want to read it. If you uphold Mr. Leupp's bills with regard to the Crow Reservation, I suggest that you get that bill and read it. It is very carefully set out and very explicit.

Senator BRANDEGEE. Coming back to Senator Dixon's first question with regard to your testimony of yesterday as to the ownership of these 13 town sites, do you still state to this committee that they are, or have been, acquired by this land company?

Mrs. GREY. I say that Mr. Savage gave you the map on which they were marked. Mr. Savage is the supervising engineer.

Senator DIXON. Did Mr. Savage say to you that the Lincoln Townsite Company had purchased those sites?

Mrs. GREY. I said "How did they get this land?" He said, "They acquired it."

Senator BRANDEGEE. Who did he mean by "they?"

Mrs. GREY. The Lincoln Townsite Company.

Senator DIXON. Is that the only evidence that you have to substantiate the statement that they have been acquired by that company?

Mrs. GREY. Two days before the Huntley project was opened, or three days, there was about this much, about 2 inches in the Billings Gazette, which stated that the Lincoln Townsite Company had deeded to the United States the Huntley project town-site land. There had been a big iron fence around it and that was taken down at this time. This land had at one time belonged to two Indians,

John La Forge and Tom La Forge. They did not want to sell that land. Senator Clapp, I am getting so tired that I can not go on.

The CHAIRMAN. If you are tired, you can be excused until to-morrow morning at 10 o'clock.

Mrs. GREY. I will go into it in the morning.

(The witness was here excused until to-morrow morning.)

STATEMENT OF MATTHEW K. SNIFFEN.

MATTHEW K. SNIFFEN, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. Your name is Matthew K. Sniffen?

Mr. SNIFFEN. Yes, sir.

The CHAIRMAN. State your occupation.

Mr. SNIFFEN. I am secretary of the Indian Rights Association.

The CHAIRMAN. Where do you live?

Mr. SNIFFEN. In Philadelphia.

The CHAIRMAN. You may proceed and make any statement that you desire to make concerning this matter.

Senator DIXON. For what purpose does Mr. Sniffen appear, to file charges?

The CHAIRMAN. Mr. Sniffen, it appears from the evidence, I have never talked to him, was out there during this time and also under arrest, were you not, Mr. Sniffen?

Mr. SNIFFEN. Technically; yes, sir. When I came down in response to the telegram of the chairman, my impression was that this hearing was simply to take in the question of the two bills before the committee, or before Congress, but since I have been here it seems that you are taking up the general subject of conditions on the Crow Reservation.

Senator CURTIS. You mean by the two bills the horse bill and the allotment bill?

Mr. SNIFFEN. Yes, sir; and it is a question in my mind whether you want me to give you such information as had come to us, or our connection with the general subject, or simply to confine myself to the two bills.

The CHAIRMAN. Mr. Sniffen, I have communications here, I think, from your association with reference to this matter, and the object of calling you was to give you an opportunity to make such statements in regard to this matter as were within your knowledge.

Mr. SNIFFEN. In regard to the bills?

The CHAIRMAN. Well, the bills, or anything else you know concerning the matter. This hearing is covering the entire subject-matter.

Mr. SNIFFEN. The easiest way, then, for me to proceed would be for me to state the first information that came to us in regard to conditions alleged to exist on the Crow Reservation.

In July, 1907, our Washington agent, Mr. Brosius, in response to a letter that he had received from some Indians on the reservation, stopped off at the agency, and he gathered certain data which was submitted in a letter to the Commissioner of Indian Affairs as a memorandum. It was in accordance with our usual custom, but we could not vouch for the accuracy of the statement—it was information regarding conditions that seemed to be unsatisfactory, and under the circumstances it was worth being brought to the attention of the

Commissioner, so that he could have the opportunity to investigate it. Now, that letter contains the matters in a concise form, and probably my easiest way would be to read it to you.

Here is a letter dated July 25, 1907, which reads as follows:

PORTLAND, OREG., *July 25, 1907.*

Hon. FRANCIS E. LEUPP,
Commissioner Indian Affairs.

DEAR MR. LEUPP: I inclose with this my letter to you, dated the 23d instant, regarding conditions at Crow Agency, Mont.

I have wired you at Government Indian warehouse, San Francisco, and to Hoopa Valley, California, through the superintendent of the school there, requesting that I have privilege of personal interview with you, but have no response to these telegrams at Portland, Oreg., where I requested any answer to be sent, and where I now am. I leave to-day on my way East, and may return to Washington within a month. I have understood that you may return to Washington by the middle of August or a little later.

If you could see fit to request the services of Inspector Chubbeck, for instance, to make another investigation of the Crow and permit me to go there as a prosecuting witness, as has been done in one or two other cases, I feel sure in my own mind that much good will result and the Crows be encouraged to better living.

Very respectfully.

S. M. BROSIUS,
Agent Indian Rights Association.

Now, this is a letter to Mr. Leupp, under date of July 23, 1907, which reads as follows:

PORTLAND, OREG., *July 23, 1907.*

Hon. FRANCIS E. LEUPP,
Commissioner Indian Affairs.

DEAR MR. LEUPP: You already know of the complaints against the present management of the Crow Indian Reservation, Mont., and of Mr. Z. Lewis Dalby having been sent there to investigate affairs. I make this plea for the Indians: That you will direct one of your officials to go to Crow Reservation and make a searching investigation.

Mr. Dalby lost whatever opportunity he may have had of getting hold of the situation through the friendly attitude of the Crows who desired the investigation by his fatal mistake in the first business meeting with them, and the Indians told him then that they had no further confidence in him and would make no further complaints.

You may know of the details of that exhibition of Mr. Dalby's temper. He had told the Crows that they must not make statements unless they could be shown to be true, so the Indians were very careful what statements they made. Almost at the beginning of the proceedings in the council, one Joseph Cooper, who is president of an Indian organization, stated that he had seen stock of a white man in a certain locality. Mr. Dalby asked him how many there were. Cooper replied that he did not know, as he had not counted them. Mr. Dalby flew into a rage immediately and said to Cooper, "You are a God damn liar," and cursed him a second time. Cooper replied, "I'll not talk to you; I took you for a gentleman."

Dalby then said, "You get out of this tent." As Cooper arose to leave the tent the rest of the Indians in council arose and left the tent with him. Mr. Dalby then begged them to come back, and the Indians returned with Joe Cooper to the tent. One of the young Indians rebuked Dalby by asking him if he believed in a God, and what he meant by making use of such language. Dalby was very much excited, and the Indians saw that he was not a safe man for them to counsel with, and from the further indication that he was too friendly with the agent, and frankly told him that they could not trust him further, and have kept their word by not taking any further part in the investigation that has been conducted by Mr. Dalby without their assistance. This is the story as related to me by the Indians who were at the council.

From the short time I have so far been able to look into conditions at Crow Agency I have not known of a reservation where the Indians are so helpless, so entirely subjected to the unjust and brutal rule of an agent.

If an Indian shows that he has aspirations for a better condition by objecting to his surroundings and thus interfering with the plans of the agent to fur-

ther his own interests and schemes, he is said to be liable to be and often is pounced upon by the agent and thrown into a filthy jail at the agency and kept there at the will of the agent until he is likely to offer no further opposition. Indians are said to be imprisoned without warrant or justice, in order to break their independent will that has been fostered by the Government in leading them up to citizenship, the political condition many of them now hold.

The agent (Mr. Reynolds) has apparently surrounded himself at the agency with many relatives and persons with whom he has mutual business relations.

Mr. Blair, the party having sheep on the reservation, is said to be a relative of the agent's wife.

I might say that I have shown a copy of this letter to Major Reynolds at Helena, and with one or two exceptions he has denied the general statements.

Senator DIXON. Is Charley Bair related to Major Reynolds's wife?

Mr. SNIFFEN. No, sir.

Senator DIXON. Then who makes this charge?

Mr. SNIFFEN. This was written by Mr. Brosius upon information. He stated that it was the information that had come to him, and he brought it to the attention of Commissioner Leupp, asking that it be looked into.

Senator SUTHERLAND. In presenting this communication to the committee, I understand that you do not vouch for its accuracy at all?

Mr. SNIFFEN. Only as having been submitted to the Indian Office by way of information.

Senator SUTHERLAND. But what I ask you is whether or not you do vouch for its accuracy?

Mr. SNIFFEN. No, I do not: it is simply based on information.

Mrs. Baily, the licensed trader's wife, is sister of the agent's wife. Clarence Brown, recently farmer at Black Lodge district, is a brother of the agent's wife. He resigned, it is said, since Dalby came.

I have been told that Mr. Brown was clerking in Mr. Baily's store at the agency all through last winter while he held position as farmer under salary from the Government.

Lee Manes, cashier First National Bank, Billings, Mont., is married to sister of Agent Reynolds's wife. Agent Reynolds is director in the First National Bank, Billings, and it is thought that funds derived from inherited lands are deposited there. Money can be loaned in this country at 1 per cent per month.

Agent Reynolds gave up his position as cashier of the bank mentioned, which paid him $2,300 annually, to take the present position he holds as agent at $1,800.

Mr. Moss, president of the bank, is said to be Reynolds's bondsman.

Mr. Bair, the sheep man, with stock on the reservation, is stockholder in the bank mentioned.

In regard to this statement about Mr. Moss being Agent Reynolds's bondsman, I would say that Major Reynolds told me he secured his bond through a surety company.

Senator DIXON. And that is not true?

Mr. SNIFFEN. That is not true. I do not vouch for the accuracy of this statement. It is information that was submitted by way of memorandum that could be investigated.

It is said that Agent Reynolds and Fred Hathorn are brothers-in-law. The Bull Mountain Cattle Company is said to be composed of Agent Reynolds, Fred Hathorn, and a Mr. Allen.

Senator DIXON. What cattle outfit is that?

Mr. SNIFFEN. The Heinrich.

Senator DIXON. Do you know who he is?

Mr. SNIFFEN. Frank Heinrich?

Senator DIXON. Yes.
Mr. SNIFFEN. He has permits on the reservation.
Senator DIXON. Does he live in that country?
Mr. SNIFFEN. Yes, sir; I believe so. I never met him.

This at time Reynolds was appointed agent. The company had stock on the reserve, and may have at this time. One account states that Reynolds drove 300 head of cattle on reserve when he was appointed agent.

Frank Henry may have "permit" to pasture 2,836 head of cattle at $1 per head, and same charge for any number in excess of those named in permit. It is reported that he shipped $85,000 worth last year. He has a spayed herd of cattle, and branded 1,500 calves last year, so that it is estimated that he must have from ten to fifteen thousand head of cattle. It is understood about the agency that Henry has not paid anything for grazing the cattle in excess of the number mentioned in the permit (2,836).

Persons named Dana and Hysham are said to have managed Henry's round-up last year and sent word to Agent Reynolds to provide a man to brand the calves belonging to the Indians. The agent did not send anyone and is said to have made some excuse, which indicates that he knew of the round-up. The Indian's calves no doubt are now turned in with the "Henry" brand on them. The spring of the past year there was no round-up; the Indians desired to "work" their calves in the round-up, but Agent Reynolds is said to have refused to permit this to be done.

Charles Bair, I understand, may have a lease for grazing sheep in the Prior Creek district in the reservation. Indians claim he had no permit to graze sheep in the Lodge Grass district and that the tribe receives no benefit therefrom, and is opposed to the privilege being given to Mr. Bair, covering the latter district. It is said that in the Lodge Grass district Bair agrees to buy the hay of the Indians at from $4.50 to $5 per ton, if he finds that he needs it. The hay must be taken at his rule of measurement, which is charged by the Indians to be unfair to them as to time and system, Bair only measuring immediately before using the hay, whereby great loss results through additional shrinkage, etc. If Mr. Bair does not need the hay to feed his sheep he often sells it at a heavy profit, so that it is claimed his profits on hay shipped may more than equal his outlay for hay fed to the sheep, which enables him to keep his sheep on the reservation altogether free of expense.

Bair is favored by the agent, it is claimed, in maintaining a monopoly of the grazing privilege, as others have endeavored to secure similar privileges without success. When we consider the vast extent of this free grazing ground, we can, in a measure, comprehend the "graft" and injustice to the Indians. The district of country over which these sheep of Bair's have roamed lies between the Little Horn and Big Horn rivers, extending along the Little Horn from Fort Custer to Lodge Grass, about 31 miles, and along the Big Horn from Fort Custer about 40 miles south, being in a triangular form. Probably not over one-tenth of this district of country is allotted to the Indians and not over one-half of the allotments are fenced. The allottees having no fences around their land receive nothing for grazing from Bair, unless they happen to have a good water privilege and thus can insist upon pay. The allottees having fenced lands are supposed to be paid for the hay Bair buys of them at his own price, for it is claimed that he deducts for "damaged" hay very frequently. As stated, perhaps nine-tenths, or rather nineteen-twentieths, of this pasture ground is tribal land, from which it is understood the tribe receives nothing. It is claimed that during the season of 1905 Mr. Bair had fourteen bands of 3,000 each, or a total of 42,000 sheep. When driving his sheep out during the spring of the present year, it is said he had 23 bands, with as many wagons, showing that there were about 69,000 sheep driven off the reserve, as the Indians counted them as they were driven off. Wool buyers claim that the clipping of wool must have been from 100,000 sheep, judging from the sum received for it, which is stated to have been $330,000. All these details can be brought out in evidence by an inspection by a fit official.

You will realize the allottees in this sheep pasture have no encouragement at all to improve their homes. All their efforts would be rendered useless or fruitless by being overrun by sheep.

If these statements are shown to be approximately correct, it does not appear to me to be necessary to prove by additional evidence that officials of the Government have connived to profit from privileges extended to the persons involved. Results will tend to shown design.

The Indians protest that they need the lands illegally grazed for their own stock, and it is surely a wise policy to encourage them in individual stock raising. The fact that Mr. Bair removed his immense herd of sheep from the reservation at a most inopportune season (last spring), when he was subjected to additional heavy expense on that account by tearing down corrals, etc., indicates that he feared if an investigation was pressed his sheep might be held for large sums due for pasturage.

Mr. Bair has shown many favors toward the agent, it is alleged, among which may be cited a trip in Blair's auto by Agent Reynolds and family, as his guests, through Yellowstone National Park, and on another occasion to the Great Lakes.

Senator DIXON. They do not permit any automobiles in the Yellowstone Park?

Mr. SNIFFEN. No, sir; they do not permit automobiles in the park.

In general I may say that it is common talk surrounding the reservation that this favoritism and graft of the Indian estate exists, but little attention now being paid to it, the community concluding that the Government is either powerless to prevent these alleged wrongs to the Crows or else the facts have not been properly brought to the attention of those charged with a proper management of the Indians.

I have incidentally referred to the jail at the agency, in which these Indians are imprisoned. This jail is the means by which these Indians are terrorized and brought into submission and acquiescence to the present management by the agent. It is said to be totally unfit for human beings to be incarcerated in at times. Yet men and women have been thrown into this jail together, and often in the bitter cold of winter without fire. This jail is alleged to be infested with vermin, and it is charged that the scanty covering afforded for protection from the cold is often wet from having been used in the "sweat houses" of the Indians. I understand that the inside of doors and walls are covered with obscene pencil drawings or immoral illustrations burned in the wood with heated irons. In this jail it is charged that two or three of the separate cells are not larger than a common door, with but a small window, if any; that here young girls are imprisoned, sometimes those who have run away from school being kept in this jail for thirty days, subjected to these demoralizing influences. The fate of these girls is, during this time, in the keeping of the Indian police, who have charge of the keys to the girls' cells. It is even charged in this connection that the privilege of access to the cells occupied by the female prisoners has been known to be subject of barter by the policemen in charge. It is needless to go more into detail concerning such matters with the Crow tribe, which is not specialized as one of the most moral.

The "sweat houses" seem to be another source of immorality. "Big Medicine," chief of police, is charged with being a tool of the agent, and unprincipled. It is claimed that he has compelled women, and even girls, to go into these sweat houses with him or others in a nude state.

I find I can not go into detail concerning the charges of unfaithful stewardship on the part of Agent Reynolds, and will only refer to them in brief to show the wide scope covered by transactions calling for investigation and correction.

(1) That Indians are induced to sell inherited lands by designing officials at the agency at a fraction of their value.

(2) That Government farmers (*a*) pasture stock in the reservation (*b*) and furnish beef from their herds for Government use; that they are farming allotted lands for personal benefit with Government teams (*d*) and use thrashers and other Government implements for their private benefit first, thus depriving the Indians of the use of these implements or this machinery at the most favorable times.

(3) Dances have been favored by Agent Reynolds—the Indians giving away property, thus demoralizing them. Dance houses have been erected in all the different districts within the reservation since Agent Reynolds took charge—one in each district.

(4) Agent Reynolds has organized an order of Elks, so called, to offset the effect of the Crow lodge which the Indians had previously organized, and has forbidden the Indians to attend the Crow lodge instituted by them, on pain of punishment. The Indians have been feasted by the agent in this connection, and dancing allowed those persons who associate themselves with his "organ-

ization." The nomenclature of "Elks" lodge being a deception, it is claimed, since it has no connection with the order of Elks among white persons.

(5) That Government Indian employees are working for private interests.

(6) That the Indians were refused a stenographer by Inspector Dalby to conduct their investigation, although they offered to pay the expenses thereof.

(7) That Agent Reynolds has failed to protect the interests of the Indians in their stock industry.

(8) That a combination existed to secure by purchase the lands allotted about Fort Custer, and recently sold, under inherited-land sales, the Lincoln Townsite Company being reported to be the successful bidders.

(9) Immorality of Government employees.

(10) Failure to protect inherited lands of wards where agent is specially charged as guardian.

(11) Lack of agent in improvement of the moral conditions among the Indians.

I am impressed with the wrongs by which these Indians seem to be subjected. They have informed me that they can not secure a fair investigation of the conditions existing, or have not up to this time, and that their situation is hopeless at present, and they will have no incentive to make effort for improvement of their condition.

It should be understood that Inspector Dalby has not been able to retrieve himself from his fatal error in losing self-control at the first principal council, and that the Indians who are making complaints have refused to counsel with him since that time.

By brutally cursing the Indians and branding them as liars, Inspector Dalby should not only lose the respect of the Indians concerned, but be the subject of consideration as to fitness for his position.

I appeal to you to secure for these Indians a fair inspection by a competent official, and, as I have done on one or more former occasions, I offer to go into the Crow Reservation, with your sanction, and endeavor to prove, as far as may be, that the conditions alleged to exist at Crow Agency do actually exist. I am not anxious to undertake this work, but realizing the need of the Indians, I make the proffer.

Inspector Dalby informed me upon first entering the reservation, and after directing me to call at his office, that I had no authority or right to be at the agency or within the reservation without special authority from the Government, and intimated that he would remove me if I attempted to remain within the reservation to converse with the Indians. I had interviewed some of the Indians outside the reservation and was quite well posted at the time of my visit at the agency. Upon being warned by the inspector I left the reservation. The inspector had the mounted police ready to arrest me, and when he failed to find that I was secretly counseling with the Indians, and upon the further failure to coerce me into telling him what I had learned from the Indians, since I knew my rights in this respect, he seemed to relent somewhat. I informed him that whatever report I would likely make regarding the conditions there, I would follow my usual custom of presenting to you, which I now do.

I only refer to this attitude of the inspector to show you the character of the investigation he has made, as well as the effort to suppress sources of information.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

Senator SUTHERLAND. Is Mr. Brosius here?

Mr. SNIFFEN. He is in Washington now. That letter was replied to by the Commissioner of Indian Affairs, Mr. Leupp, under date of August 20, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, August 20, 1907.

MY DEAR MR. BROSIUS: Your letter of July 25, criticising the manner of the investigation recently conducted at the Crow Agency, and making charges against various parties, was received here a little while before my return and laid on my table. I have just got around to it, and take this occasion to say that, in the Secretary's absence, I do not feel justified in taking up the subject with anyone else, as I have been very careful to leave this whole matter in his hands. Mrs. Grey, who came here originally to see me about the various mat-

ters which she declared had been going wrong on the reservation, took occasion at our first interview to throw out some comments about the share of the Indian Office in the whole business, which left me only one course, in self-respect, to pursue, and that was to decline to have anything to do with naming the investigator or running the matter down, as I could not afford to do anything which might influence, however remotely, the opinions or judgments of the persons who looked into the matters complained of. I explained the whole subject to the Secretary and expressed my desire that the investigation should be as complete in all respects as possible, and that everything which the Indian Office had had to do with any of the schemes denounced as nefarious should be as scrupulously investigated as anything else. If anything has been going on here which was not all right, I did not know it, and no one could be nearly so anxious as myself to get to the bottom of it. But the investigation would not have been in any sense satisfactory if the Indian Office had taken the slightest hand in it at any point. I will bring the whole subject afresh to the Secretary's attention when he returns and show him your letter.

I have nothing but the newspaper accounts to go upon, and these, I am perfectly aware, are liable to error; but the true story of what occurred here when Mrs. Grey came was that, as soon as she said that she had some data which she believed to be of value but could not verify, I at once ordered the record of the Office placed at her disposal to run down every charge just as far as the papers here would help it. This was entirely a voluntary act on my part; and any story about the President's interference, or the interference of anyone else, is pure fabrication. Nothing was received regarding Mrs. Grey from outside this Office beyond a note of introduction from Mr. Loeb, the President's secretary. Mrs. Grey was treated with every possible courtesy and consideration, even at the cost of some inconvenience to this Office, because she was so absolutely certain that she had a story to give us if she could once verify some of the points in it.

The message which you sent me in a dispatch to the superintendent of Hoopa Valley I answered instantly on receiving the dispatch, addressing you at Portland, where your dispatch directed me to answer. From something that Mrs. Newton wrote me I infer that you never received my answer. I went to Portland and stayed over there an extra day, inquiring wherever I thought it possible that I might find you, but could get upon your track nowhere. The telegraph company added insult to injury by demanding in advance payment for the telegram to you and then not delivering it.

Sincerely, yours,

F. E. LEUPP, *Commissioner.*

S. M. BROSIUS, Esq.,
Agent Indian Rights Association,
McGill Building, G street, Washington, D. C.

Mr. SNIFFEN. The association felt that the statement made by Mr. Brosius on information that had come to him, was of such a character that it warranted a proper investigation by the officials, and on October 9 they addressed a letter to the Commissioner. The committee was under the impression at that time that the inspector, when he made the investigation, was under the control of Mr. Leupp, and that he had the authority to order a new investigation, and as these letters explain the matter so clearly, it will be briefer to go over them. On October 9, 1907, this letter was sent to the Commissioner:

PHILADELPHIA, *October 9, 1907.*

HON. FRANCIS E. LEUPP,
Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: We beg leave respectfully to call your attention to the case of the Crow Agency, Mont., and the recent report upon the conditions there existing, of Indian Inspector Z. Lewis Dalby.

We understand that by reason of complaints and charges as to conditions existing upon the Crow Reservation (with the truth or falsity of which we are not at present concerned) the Department deemed the matter of sufficient importance to send to the agency Inspector Dalby. In order that his investigation should be effective, it was clearly necessary that the inspector should be able to hold free communication with the Indians on the agency. Owing to an unfortunate lack of restrain on the part of the inspector at his first meeting with

the Indians in council, the latter were alienated and offended, and were unwilling to have further communication with the inspector. Shortly afterwards, while the inspector was still at the agency, the agent of this association, Mr. S. M. Brosius, whose attention had also been called to the alleged abuses, arrived at the agency, in order to give such assistance as was in his power to the Government in ascertaining the truth as to the conditions existing on the reservation.

You are aware that for many years Mr. Brosius and his predecessors, as agents of the Indian Rights Association, have been invariably permitted by the Government to give such assistance as was in their power in the investigation of alleged abuses on Indian reservations, and for this purpose their presence upon the reservations has never been objected to, but usually welcomed. On the present occasion, however, Mr. Dalby expressed to Mr. Brosius in no uncertain terms his displeasure at Mr. Brosius's presence and his intention of removing him if he failed to depart voluntarily. The inspector was therefore deprived by his own action not only of the opportunity of communicating with the Indians on terms which would enable him to receive frank testimony, but he also rejected the assistance of the accredited agent of the Indian Rights Association, whose independent sources of information would have been valuable. Mr. Brosius has laid before you, not by way of formal charge, but as a memorandum, the complaints which have come to his ears regarding conditions on the Crow Reservation, and was prepared, as he is still, to ascertain by investigation at the reservation how far the same are well founded.

We are informed that a large number of the Indians on the reservation have sent a petition to the Government for a reinvestigation. Under the circumstances, we think it is not unnatural that the report of Inspector Dalby, for the reasons stated, could not be deemed satisfactory either by the Indians or by those interested in their welfare. We would therefore respectfully join in the request that a reinvestigation of the conditions at Crow Reservation, Mont., be ordered by the Department.

We would also inquire whether, as intimated by Mr. Dalby, the presence of the agents of the Indian Rights Association on the Indian reservation is neither desired nor permitted; and whether a formal written permission from the Department is requisite to enable such agents to visit the reservations; and if so, we ask that it be granted.

We would add that Mr. Brosius and members of this committee will be glad to appear before yourself or the honorable Secretary of the Interior at any time, for fuller explanation of the reasons leading to the present communication.

Yours, respectfully,

J. RODMAN PAUL,
Chairman pro tempore;
N. DUBOIS MILLER,
WILLIAM H. FUTRELL,
EDWARD T. CHILD,
E. M. WISTAR,
JOHN B. GARRETT,
CHARLES J. RHOADS,
CHARLES CHAUNCEY,
M. K. SNIFFEN,
On behalf of the Executive Committee.

This was replied to as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, October 18, 1907.

MESSRS. J. RODMAN PAUL AND OTHER
MEMBERS OF THE EXECUTIVE COMMITTEE,
Indian Rights Association, Philadelphia, Pa.

GENTLEMEN: Receipt of your letter of October 9 is hereby acknowledged.

For reasons already explained at length to Mr. S. M. Brosius, the agent of your association in Washington, the whole matter of the investigation of affairs at the Crow Indian Agency has been handled by the Secretary of the Interior. I shall, therefore, refer your letter, just as I have referred all other papers in the case, to him for such action as he may see fit to take in the premises.

Very respectfully,

F. E. LEUPP, *Commissioner.*

The letter from Mr. Leupp under date of August 20 explained the reasons he had in mind. Certain information still continued to come to the office entirely independent of Mrs. Grey, whom we had never seen before. The matter came up that things were unsatisfactory, but how much truth there was in them we could not say.

Senator BRANDEGEE. What was the nature of that information, and how was it communicated?

Mr. SNIFFEN. It was communicated by letters from Indians.

Senator BRANDEGEE. Were they signed?

Mr. SNIFFEN. Yes, sir.

Senator BRANDEGEE. Were they confidential?

Mr. SNIFFEN. Yes, sir; we have always, in securing information, tried to protect our informants as far as possible, because when anything is referred back to the agency for an inquiry it would sometimes bring considerable displeasure on the heads of those who originally made the complaints.

Senator BRANDEGEE. Did you in this case attempt to verify the charges contained in this communication?

Mr. SNIFFEN. Yes, sir. I am coming to that.

Senator DIXON. Has Mrs. Grey been in the employ of the Indian Rights Association?

Mr. SNIFFEN. No, sir.

Senator DIXON. She has received no money from them?

Mr. SNIFFEN. No, sir; she has received no money from them.

Senator DIXON. Who is she acting for?

Mr. SNIFFEN. She is acting on her own responsibility.

Senator DIXON. What is her pedigree and where is she from?

Mr. SNIFFEN. She was born, I believe, in Minneapolis, or somewhere in Minnesota.

Senator STONE. Is she a widow?

Mr. SNIFFEN. Yes, sir; she is the daughter of S. L. Pierce, a lawyer, who was located at Dodge Center—I think it is—in Minnesota, and for the last twelve years or more she has been earning her own living as a journalist.

Senator BRANDEGEE. Does your society cooperate with her in any manner.

Mr. SNIFFEN. No: I do not think you could call it anything like cooperation. When the proceedings came up before the grand jury we wanted to watch affairs and see how matters were going.

The CHAIRMAN. You went out there, did you not?

Mr. SNIFFEN. Yes, sir.

The CHAIRMAN. State how you came to go.

Mr. SNIFFEN. I will state it.

The CHAIRMAN. You are getting ahead of that in referring to the grand jury.

Mr. SNIFFEN. I would like to make it consecutive. So when the information or complaints continued to come the committee wrote to Secretary Garfield asking him for a personal interview, and on October 30, 1907, there were five members from our committee who came to Washington by appointment with the Secretary and had a long interview with him. There were present on that occasion, besides the representatives of our association, Mr. Leupp and Mr. Dalby and the Secretary. The Secretary has stated that he has among these papers a full stenographic report of the hearing.

Senator BRANDEGEE. Were you there?

Mr. SNIFFEN. Yes, sir; I was there. In substance he stated that it was his desire to get all the facts possible relating to the case, and he would ask the committee to produce everything in its possession to substantiate the charges of Mr. Brosius. It was then explained to the Secretary that the committee was not prepared with proof of the facts referred to in Mr. Brosius's report, because owing to our agent having been virtually ordered to leave the reservation by Mr. Dalby he had been unable to make any careful inquiry on the subject in order to verify or disprove those statements, and that the main reason, and the only one advanced at that time, for making a request for a reinvestigation was the fact that Mr. Dalby, by his unfortunate lack of restraint, had alienated the confidence of the Indians practically from the start, and he could not therefore obtain the information from them that was desired upon points upon which the Government had already ordered the investigation to be made. Mr. Brosius and Mr. Dalby both made long statements under oath on the main points, and one of them, in which they materially differed, was that Mr. Dalby denied very emphatically having told Mr. Brosius that he had no business on the reservation, although he stated, pretty nearly in the same breath, that had Mr. Brosius remained and conducted an independent investigation he undoubtedly would have arrested him and ordered him to leave. Concerning this break of Mr. Dalby, he admitted having used this profane expression in swearing at Joe Cooper, as it was charged, but said he had not lost his temper, but had done so deliberately and for the sake of emphasis.

At the conclusion of this interview the Secretary turned over to Mr. Binney, who is the president of our association, the full report of Inspector Dalby for examination and criticism. After this had been done Mr. Binney spent quite a little time in going over it. Under date of November 6, 1907, our committee sent to Secretary Garfield the following letter:

PHILADELPHIA, *November 6, 1907.*

Hon. JAMES RUDOLPH GARFIELD,
Secretary of the Interior, Washington, D. C.

DEAR SIR: In compliance with your request, after the hearing which you accorded us on Wednesday last (October 30), Mr. Binney, president of the Indian Rights Association, carefully studied Mr. Dalby's report (most of which he had already seen, in an accurate copy) and he finds the treatment of the several subjects deserving of comment as follows:

A peculiar characteristic of the report, as of Mr. Dalby's letters in connection with the matter, is his uniform condemnation of everyone on the reservation whom he refers to as making statements contrary to the conclusions which he (Dalby) has reached. Thus on page 8 he says: "Peters has the general reputation of being a scoundrel, and nobody who knows him will trust him or believe him."

Similarly Dalby's letter of July 14, 1907, says: "Joe Cooper is a worthless and disreputable half-breed;" and the letter of July 15, 1907, also refers to Doyle as "worthless and disreputable."

Equally sweeping are many of the criticisms of Mr. Burgess, e. g., that "he has not the force of character to exercise upon the Indians any positive and direct influence for their good when they show inclination to discontent, but he is always influenced and swayed by them instead, regardless of whether they are right or wrong" (p. 70).

In this connection, the sweeping statements as to the immorality of the Crows (e. g., that "virtue does not exist" among the women) may be referred to as going beyond any knowledge that Mr. Dalby's brief stay among them could possibly give.

Such broad generalizations indicate the opposite of a judicial mind and undoubtedly lessen the credence that might otherwise be given to the report.

One of the important charges was that Mr. Heinrich had had more cattle on the range than he should have had. The report states that this matter "could hardly be determined without investigation on the range" (p. 8, line 4), but apparently no such investigation was made, certainly none in regard to former years. Mr. Dalby received Heinrich's own statement of the number of cattle then on the range, which statement he (Dalby) accepted as "fair and approximately correct," on the strength of his "observation upon the ground" and his "inquiries generally." It does not appear who furnished the response to these general inquiries; but as to Mr. Dalby's own observation, he states (p. 8) that "Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle." Now, Heinrich must have known that he was being investigated, and it is entirely possible that he may have shifted his herds in spite of all Mr. Dalby's precautions. If Henrich was the kind of a man who would exceed his grazing rights, he would certainly use every effort to post himself in regard to an inspector's probable movements.

On page 9, last five lines, the report refers to Leider's information as to Heinrich's payments to various Indians for grazing rights, but states that Mr. Dalby received this information too late to verify it by inquiry of the Indians themselves. This fact makes Leider's memorandum book of little value, and "the absence of complaint by the Indians" as to this matter would only be conclusive on the assumption that they confided fully in Mr. Dalby and did not fear to tell him all they knew.

On page 18 Mr. Dalby states that the Indian Office had advised the agent, under date of April 7, 1905, that the Indians should sell their hay "in the open market." He reasoned that this was impracticable, because the distance from the railroad rendered the cost of transportation to an "open market" prohibitive. In consequence, he states, "the agent took the matter up with Mr. Bair and a number of other sheep men," and finally made a certain arrangement with Mr. Bair. It is unfortunate that the report fails to state what other sheep men the agent consulted, and that no inquiry seems to have been made among these sheep men themselves. If an "open market," in the strict sense, was impracticable, the agent should at least have given all possible publicity to the transaction, inviting bids from as many persons as possible, so as to prevent any chance of Mr. Bair's securing an unfair monopoly. All this may have been done, but the report is too meager on this point to be convincing, in view of the intimate friendship, which, we believe, is not denied, to exist between Mr. Bair and the agent.

On pages 39 to 57 the report deals with various matters in regard to the management of the agency and makes a number of recommendations which seem desirable; but the treatment of the illegal trading carried on by Mr. Miller (p. 55) seems to underestimate the seriousness of the offense. We submit that it was much more than a mere technicality. The report gives Mr. Miller a certificate of good character, although, in reporting with regard to Mr. Burgess, Mr. Dalby admits that he declined to reinvestigate the charge of immorality against Mr. Miller, which charge Mr. Burgess believed should be reinvestigated.

The report passes very lightly over the charges of harsh treatment of the Indians by the agent. It is unfortunate that these charges were made by a woman whose accuracy may be open to doubt, but as Mr. Dalby found it necessary to suggest a number of reforms in regard to matters to which she had called attention, it would seem reasonable that in dealing with the charge of harsh treatment the report should dwell more upon specific facts, as distinguished from Mr. Dalby's opinion.

A very unsatisfactory feature of the report is the recommendation for Mr. Burgess's removal. The tone taken in regard to him seems to be nothing less than vindictive. It is submitted that Mr. Burgess's twelve years' residence and work among the Indians and his apparently unimpeached character deserve some consideration, and it is simply astounding that Mr. Dalby should "recommend that the American Missionary Association be requested to withdraw Mr. Burgess from the Crow Reservation" without any suggestion that an opportunity be first given him to be fully heard in his own defense, after notice of all that Mr. Dalby alleges against him, and with an opportunity to procure such testimony as he may desire.

As to Mr. Dalby's statement in regard to Mr. Brosius, made in that portion of the report which relates to Mr. Burgess, you have heard the statements of both, and will be able to reach your own conclusions as to the points on which those statements differ.

So much for the specific criticism of portions of the report, much of which was already familiar to some of our executive committee in copies furnished us by our Washington agent, through the courtesy of your Department.

But we should be unjust to you and to ourselves if, in view of the opinion which we hold, we limited our criticism of this subject to the points above mentioned. Your frank and courteous treatment of our committee necessitates our being equally frank in the expression of our opinion upon this important subject, for it is only by honestly stating just what we think that we enable you to see our point of view and to see all sides of the question.

Five members of our executive committee had the opportunity of seeing and hearing Mr. Dalby and of judging, by his own statements and demeanor, of his fitness for the delicate task assigned to him. We are unanimously of the opinion that he showed himself, by his own confession, utterly unfit for the task to which he was assigned. What his previous qualifications may have been we do not know beyond the statement you made that he had been your private secretary and that you had entire confidence in him. We do not doubt that in that capacity he was worthy of your entire confidence and that he is admirably fitted for any similar position, but we respectfully remind you that the position of an inspector of an Indian agency, upon whom devolves the duty of determining the truth or falsity of the charges which he is sent to investigate, requires qualities of a very different order. The office is essentially a judicial one. The inspector has, on the one hand, an agent with practically autocratic power, and on the other a semicivilized and almost subject race. The relative positions of the parties to the controversy makes it at best a difficult matter to obtain evidence against the administration. The man who essays the rôle of judge, under such circumstances, needs not only the judicial temperament, a cool head, and impartial judgment, but such a manner and bearing as will inspire confidence and tend to draw out, not only the blatant and noisy volunteer, but the shy and modest witness whose testimony, when elicited, may be the most important. Measured by such a standard, we submit that Mr. Dalby is conspicuously a failure in this position. We need appeal to no proof but such as he himself furnished. No other person could more graphically have depicted the scene at Lodge Grass, where, without any provocation, he swore at one of the first witnesses, and asserted that he did not believe him; and his explanation to the camp Indian who took him to task for the use of such language sounded to us both lame and inadequate, to say the least.

The position of an Indian agent is necessarily one of great power, and if he be willing to abuse that power he can easily terrorize an Indian who undertakes to oppose him in any way. Hence, no Indian is likely to give any evidence implicating an agent unless such Indian fully trusts the investigator and believes that he will protect him against the agent's resentment. Unless such trust exists, the Indian will take refuge in silence. In the present case the inspector practically admits having lost the confidence of the Indians, but he claims to have afterwards regained it. Now, it is well known that Indians are very slow to give their confidence again after once withdrawing it, and Mr. Dalby's own statement indicates a temperament which, to say the least, does not invite confidence. Such an unfortunate "mistake," as Mr. Dalby himself characterizes it, might possibly, after a long time, be lived down and forgotten, but it is not within the bounds of possibility that it should be either forgotten or minimized in the few remaining weeks of Mr. Dalby's stay upon the reservation.

What, then, is the value of the report which he has made? Well written it may be; honestly compiled from the evidence submitted to him it may be, but absolutely without reliability it certainly is; for by his own act he had cut himself off from the sources of information. The fact that he conversed with 80 per cent, or any other number, of the adult male Indians on the reservation, means nothing unless there is reasonable grounds to suppose that he really got at their whole mind. We have every reason to believe the contrary.

We recognize the gravity of the case and the objection to creating any unrest on the reservation by another investigation so soon upon the heels of the last, and yet we sincerely believe that in the interest of the Indians, which we are convinced you have at heart, it would be better to endure that for a season rather than to permit these Indians and the whites in or near to the reservation to believe that the Department is willing to accept as final

a report based upon such inconclusive evidence. If it is true that there is little or nothing to correct, no harm can come to anyone but a temporary unrest, while the restoration of confidence in the absolute justice of your Department will far more than counterbalance it. These Indians seem to have confidence in our association. We will gladly render any service to your inspector that is in our power, if our agent is afforded an opportunity of conferring with those who make complaints. If the inspector is such a one as possesses the qualifications which must be recognized as essential, he will be competent to determine the truth or falsity of the charges when he has heard the evidence. We are sure that such a man is in your service, and we feel that in a matter of this importance the best can be none too good. We must frankly admit that we can not now present any positive evidence to contradict the conclusions of the report (the circumstances of the case having made it impossible for us to pursue our own inquiries), and that we do not know upon what offer of evidence a petition of certain Indians, recently made, as we understand, for a reinvestigation, is based; but we submit that in the present case such evidence ought not to be held an indispensable preliminary, and we, therefore, again respectfully urge upon you the importance and the wisdom of sending out the best man in the service to restore confidence and elicit the facts.

We can not close without thanking you for the courtesy with which you received our committee, and the patient hearing which you accorded to them.

We are, with great respect, very truly, yours,

CHARLES C. BINNEY.
HERBERT WELSH.
E. M. WISTAR.
N. DUBOIS MILLER.
EDWARD T. CHILD.
CARL E. GRAMMER.
MARIA M. COXE.
M. K. SNIFFEN.

The CHAIRMAN. In that letter he analyzed that report.

Mr. SNIFFEN. Yes, sir.

The CHAIRMAN. What we want to know is how you came to go out there.

Mr. SNIFFEN. I would like to say that that letter was replied to by Secretary Garfield under date of December 13, in which he declines to reinvestigate the matter.

Senator DIXON. For what reason, Mr. Sniffen?

Mr. SNIFFEN. The letter is not quite as long as the other, and I will read it. It is dated December 13, 1907, addressed to the Indian Rights Association, as follows:

SECRETARY'S OFFICE, DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 13, 1907.

GENTLEMEN: After a most thorough examination of all the facts presented I have dismissed the charges made by you against Inspector Dalby regarding his conduct of the investigation of conditions upon the Crow Reservation, and I decline to order a reinvestigation.

Your principal charge against Mr. Dalby was that he, by the use of certain language in the presence of a number of the Indians, not only lost their confidence, but proved himself unfitted for conducting the investigation.

The statement of Mr. Dalby relative to this feature of the investigation was straightforward and manly. He did not spare himself in the least, admitting that he made a mistake, but I am convinced that this mistake was remedied by his subsequent conduct; that he did obtain the confidence of the Indians and learned the truth about conditions upon the reservation.

Had your association brought to my attention any specific charge of misconduct by the agent or mistreatment of the Indians upon the reservation which has not been covered by Mr. Dalby and concerning which there was any evidence presented by responsible persons, I should have been willing to have directed an investigation of those specific charges had they been of sufficient importance, but I should not for a moment consider directing an investigation based upon the statements made by your agent, Mr. Brosius, at the hearing before me. He presented neither specific charges nor was he willing to permit

you to show me the letters from Mr. Burgess from which he claimed to have obtained a great deal of his information.

The condition upon the Crow Reservation is at present better than it has been for a long time. Despite the difficulties which arose during the last summer, Mr. Dalby and the agent were able to get the Indians back to work in time to save a large portion of their crops.

I have received a large number of letters from individuals asking for a reinvestigation, but upon inquiry from them I learned that the information each had came through Mr. Brosius or your association. Hence there has been nothing presented other than that which Mr. Brosius stated at the hearing.

It is quite evident to me that Mr. Brosius was wholly unwarranted in the inferences he drew from his meeting with Mr. Dalby when on the reservation. The impression made by Mr. Brosius upon me in his testimony is unfavorable. Had he been less suspicious and more frank when he met Mr. Dalby and the agent on the reservation he would have placed himself in a position where he could, in cooperation with the Government, have satisfied himself regarding all the matters concerning which he had any question or doubt.

I am advised that the grand jury now in session at Helena, and to which Mrs. Grey's case has been presented, is going very fully into this entire matter. This is a tribunal by whom all these charges can be sifted without prejudice.

Very truly, yours,

JAMES RUDOLPH GARFIELD, *Secretary.*

Regarding Mrs. Grey's statement of the matter, it is only necessary to refer to her incidentally; it is not necessary to go into that.

When the grand jury began to make a probe into conditions on the Crow Reservation Mr. T. J. Walsh, who was one of the attorneys for Mrs. Grey, showed Judge Hunt a copy of a letter filed with the statement or memorandum—whichever you want to call it—filed by Mr. Brosius with the Commissioner of Indian Affairs as to what he had been informed regarding conditions on the Crow Reservation.

Senator BRANDEGEE. I do not want to interrupt you, but I was not here at the early part of the hearing, and I would like to ask you what were the bills presented to the grand jury; what was the scope of their investigation?

Mr. SNIFFEN. I was not there at the time, but my understanding is that the statement upon which they were working was the letter or memorandum that Mr. Brosius had written and sent to the Commissioner of Indian Affairs, and the grand jury was then instructed, using that as a basis, to make a thorough probe into conditions on the reservation.

When the grand jury began its work of investigating—when it was instructed by Judge Hunt to make a probe into the Crow matter—the attorney, Mr. Walsh, telegraphed us to send Mr. Brosius out there, and Mr. Brosius started. When he got pretty nearly out there there were certain things that came up which made him feel that he had better have a further consultation, a personal consultation, with the committee before he actually got into the State.

Senator BRANDEGEE. Who was Walsh attorney for?

Mr. SNIFFEN. He was attorney for Mrs. Grey. So Mr. Brosius came back for that conference. In the meantime that caused some unpleasantness on the part of people out there, and our committee felt it would be better to send some one who had not been identified with the case before, instead of asking Mr. Brosius to return. So on January 8, at the meeting of the executive committee, they passed a resolution directing me to visit Helena, and also, if it appeared advisable, to go to the Crow Reservation for the purpose of obtaining any information that might be secured regarding conditions there, and they gave me verbal instructions in accord-

ance with that resolution directing me to render any assistance that might be desired of me by the grand jury, and the telegrams to Brosius stated that he was wanted to assist the grand jury, and also to visit the reservation and ascertain whether certain information brought to our attention had any foundation in fact.

Prior to my departure, Mr. Binney, who was president of the association, wrote to Secretary Garfield on January 10:

Your letter of December 13, addressed to the association, referred to the fact that the grand jury in session at Helena was going very fully into the entire matter of the Crow Indian Reservation. In this connection I desire to say that the occasion is deemed a timely one for an attempt by this association to obtain evidence as to matters covered by the charges that have been made. Mr. Matthew K. Sniffen is therefore about to visit the reservation for this purpose, as well as to go before the grand jury, in case his presence is desirable. Mr. E. M. Wistar may possibly accompany him if his business engagements permit.

To this letter the Secretary replied, on January 11, 1908:

I have your letter of the 10th and notice the action of your association regarding the investigation of the Crow Indian Agency now pending before the grand jury at Helena.

I reached Helena January 18, 1908. T. J. Walsh, esq., a well-known attorney of that place, assuming that the United States district attorney, Mr. Carl Rasch, as prosecutor, desired to avail himself of all opportunities for securing information that might be of service to the grand jury, requested that he (Mr. Rasch) give me a letter, in his official capacity, which would facilitate my movements on the reservation. This Mr. Rasch declined to do. On the following Monday (January 20), Mr. Walsh appeared in court before Judge Dietrich (Judge Hunt, who ordered the grand jury to make the investigation, having been transferred to Oregon to preside over a land case in that district) and asked that an order be granted that would facilitate my plan to visit the reservation for the purpose of obtaining any data that would aid the grand jury in its work. Judge Dietrich stated that as he was not cognizant with all the facts in this case he would leave the question of giving such an order to the Federal district attorney. Mr. Rasch, however, did not act favorably on the motion. Learning that Agent Reynolds was expected in Helena to appear before the grand jury, I deferred my visit to the reservation until I could have an opportunity to confer with him on the subject. He arrived there on January 21, 1908. I told Mr. Reynolds what I was sent out to do by your committee. Assuming that he would not be hostile to my proposed visit, when its purpose was explained to him, I asked him to suggest any people whom he thought I ought to see or places that I should visit; that I wanted to obtain all the information available, from whatever source, and desired to look into the matter from all points of view. He began by saying that he would have to take the matter under advisement; that had I come out a year ago, or six months ago, he would have been glad to see me and afford me every opportunity for going about that I would want. Now the situation was different. He further said if I would wait until the case was disposed of by the grand jury, he might then ask me to go down to the reservation with him, but now he did not care to have me go. He spoke about having been obliged to arrest certain people for going on the reservation—"hobos," he called them—and putting them off. I asked him if I

would be considered a "hobo," and whether I would be arrested when I got to the reservation. He said: "There will be no doubt about your being arrested, but I will see to it that you are treated right, and not turned off at midnight."

I stated to Mr. Reynolds that I had planned to start for Crow Agency on the evening of January 20, but when I learned that he was to be in Helena the following day I decided to wait and see him personally, as a matter of courtesy, so that it could not be said that I waited until he left the reservation before going there myself. I also told Mr. Reynolds that your committee had notified the Secretary of the Interior of the fact that I was to visit Helena and then go to the reservation; that he had acknowledged the receipt of that letter, but raised no objection to the plan. When asked if the Secretary had informed him of my intention, Mr. Reynolds answered negatively.

I told Mr. Reynolds that my instructions were such that I was bound to go to the reservation and to actually make the inquiry, if possible. As a matter of precaution, however, I wired our committee of Mr. Reynolds's objection, stating that I would go to the reservation unless otherwise directed. I received a reply advising me to "go ahead, but be careful."

After my interview with Mr. Reynolds, Mr. H. G. Pickett, the foreman of the grand jury, was informed of the situation. He asked me to wait until I could be summoned to appear before the jury and bring the matter up for their consideration. Mr. Pickett remarked: "If those people are honest, I should think they would welcome any investigation." On January 23, I appeared before the grand jury. I explained to them that I had been sent to assist them, and was willing to go on their behalf to the reservation if they desired me to do so; but if they did not see their way clear to do so, I was under directions to go anyway. I also explained that I had informed Mr. Reynolds of my intentions, and stated what the result was likely to be. The jury did not formally ask me to go on their behalf, but the foreman stated that they would be glad to have any information I might secure; that after the first move the air would be more clear. However, at the jury's request, the district attorney explained the scope of the inquiry and indicated the nature of the evidence that would be of assistance to them in this matter; that they wanted information relating only to criminal acts and not to purely administrative acts. The jury further asked me to advise them of the result of my trip.

I left Helena on the night of January 23 and reached Crow Agency about 2 o'clock p. m. the following day. I went at once to the office and presented my card to Mr. Fred E. Miller, the clerk. He greeted me pleasantly, stating that he had received one letter from Agent Reynolds informing him of my proposed visit, and also a telegram advising him of a second letter on the subject. He asked me to wait until he sent to the station for this later letter before taking up the matter. He said, relative to the first letter, that Mr. Reynolds told him I was a gentleman and should be treated as such. The second letter soon arrived, and Mr. Miller read it over several times. He then told me that Mr. Reynolds wrote that if I wished to remain *personally*, to afford me every courtesy; but I was *not* to be permitted to go out on an investigating tour—or words to that effect. Mr.

Miller evidently wished to leave the matter in that indefinite shape, but I reminded him what my instructions were and that if I remained on the reservation I proposed to carry out those instructions, unless interfered with. I also stated that he had his instructions from his superior and it remained for him to decide what action to take; that he could not deal with me personally until my official status was disposed of. I said, in substance, that it was necessary for us to know positively whether or not I could make any inquiry upon the reservation.

After consulting the United States statutes Mr. Miller concluded that my presence would, under present conditions, be a menace to the peace and good order of the reservation. To remove the matter from any question in the future I requested Mr. Miller to reduce his order to writing. He then prepared and handed me the following letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 24, 1908.

Mr. MATTHEW K. SNIFFEN,
Indian Rights Association, Crow Agency, Mont.

SIR: In view of your now being upon the reservation with the expressed determination of investigating matters relating thereto after having been refused an order to do so by the Hon. Frank S. Dietrich, judge of the Federal court, and also having been refused permission to do so by Agent Reynolds, I have the honor to advise you that you are under arrest and you are directed to leave the reservation at your earliest convenience, my action being directed under orders from Agent Reynolds.

Very respectfully,

FRED E. MILLER,
Clerk.

I then gave Mr. Miller my word in response to his query on the subject that I would not then, under the circumstances, attempt to do any investigating during the interval before train time. When my official status was disposed of Mr. Miller did all he could to make my brief stay on the reservation agreeable; in fact, our relations throughout were very courteous. I left the agency that evening on the 10 o'clock train for Billings and then returned to Helena.

Although the result of my visit after the interview with Mr. Reynolds seemed to be a foregone conclusion I could not, under my instructions, remain at Helena and regard his refusal as final without making an attempt to go over the reservation, and in view of the fact that there was so much misunderstanding as to what actually took place between Inspector Dalby and Mr. Brosius when the latter went to the agency last July, it was very desirable that I should not abandon the attempt to procure information unless positively compelled to do. Before I left Helena, Mr. Reynolds said he would consult Inspector Dalby on the subject, and for all I knew this might have put an entirely different aspect on the matter. I could not be sure that Mr. Reynolds would prevent me from making the contemplated inquiry on the reservation until I actually went there and announced my intention.

Had there been no interference, however, I was prepared to go over the ground in a quiet, discreet manner. I had with me an extended list of witnesses whom I proposed to interview regarding matters with which the grand jury was dealing, but I had no opportunity of seeing them.

Senator BRANDEGEE. Was that letter ever sent to anybody?

Mr. SNIFFEN. It was sent to Secretary Garfield with this letter which I now want to read.

Senator BRANDEGEE. You sent that letter?

Mr. SNIFFEN. Yes, sir.

Senator PAYNTER. To the committee you represent?

Mr. SNIFFEN. Yes, sir.

Senator STONE. And now you are going to read the reply?

Mr. SNIFFEN. No; the letter was transmitted to Secretary Garfield with this letter.

Senator BRANDEGEE. You wrote that first letter that you have just concluded reading to your Indian Rights Association?

Mr. SNIFFEN. Yes, sir.

Senator BRANDEGEE. Did they send it to Secretary Garfield?

Mr. SNIFFEN. Yes, sir.

Senator BRANDEGEE. Now you are going to read Garfield's reply?

Mr. SNIFFEN. No; the letter transmitting it to them.

Senator BRANDEGEE. From your association?

Mr. SNIFFEN. Yes, sir. It is dated March 13, 1908.

Senator PAYNTER. As I understand, the facts as stated in that letter actually existed as reported to your committee?

Mr. SNIFFEN. Yes, sir; I was endeavoring to show the committee the efforts which our association had made to get the facts.

The letter is as follows:

INDIAN RIGHTS ASSOCIATION, 709 PROVIDENT BUILDING,
Philadelphia, March 13, 1908.

Hon. JAMES RUDOLPH GARFIELD,
Secretary of the Interior, Washington, D. C.

DEAR SIR: As there seems to be some misapprehension on your part concerning the purpose of Mr. Matthew K. Sniffen, in attempting recently to visit the Crow Reservation in Montana, and as you have expressed a desire to see some statement from him in regard to what took place, I am directed by the standing committee to transmit to you his report upon the subject.

In sending Mr. Sniffen to the Crow Reservation, we had only one object, viz, that he should obtain whatever reliable evidence was obtainable in regard to the matters which had formed the subject of Mr. Dalby's investigation, or in regard to any violation of the rights of the Indians, or neglect of their interests in any other particulars. The scope of Mr. Sniffen's inquiry was of course to depend largely upon the character of the investigation by the grand jury. Should that body see fit to make a thorough personal investigation upon the reservation, possibly this might leave little for Mr. Sniffen to do; but otherwise we hoped that he could make a complete investigation. We instructed him to lay before the grand jury the results of his inquiry, whatever such results might be.

In sending Mr. Sniffen to do this work, we felt confidence in his discretion and fair-mindedness, and although he was prevented from doing it, we think that his course throughout has amply justified this confidence. He realized, as we all did, that the Indians had become somewhat excited over the investigation last summer, and that whatever inquiry he might make would have to be done quietly and so as to avoid all occasion of excitement or disturbance.

We had understood that you did not wish to officially authorize any inquiry by a person outside of the Government service, but we believed that anyone who acted discreetly would be allowed to remain on the reservation, on his own responsibility, for the purpose of gathering information in a legitimate way. Under ordinary circumstances we should therefore have sent Mr. Sniffen to the reservation without any notification to you, no such notification having hitherto been found necessary in similar cases; but in this case we thought it only fair to you to notify you of our intention, so as to give you full opportunity to interpose any objection. Our understanding is that the law gives you practically absolute power to exclude from an Indian reservation any person whose presence there you may think undesirable, and had you stated any intention to make use of this power, we should have thought it futile to waste Mr. Sniffen's time or to

incur any expense in an attempt to send him to the reservation. Your letter, dated January 11, 1908, however, merely acknowledged the receipt of our letter informing you of our intention to send Mr. Sniffen, but made no objection to his proposed trip, which he accordingly proceeded to take. As his report shows, he was not permitted to make any inquiry upon the reservation, and was technically arrested and actually forced to depart.

To what extent this treatment of Mr. Sniffen was in accordance with your instructions, we have no knowledge whatever; but it greatly surprised us, as we had assumed that if you had any objection to his going upon the reservation for the purpose of making an inquiry, you would have stated such objection as soon as we informed you of our wish to send him. When he wired us from Helena that Mr. Reynolds had said he would not permit him to make an inquiry upon the reservation, we did not feel justified in assuming that Mr. Reynolds would necessarily pursue this course, when it actually came to the point, no agent of ours having ever before been prevented from making an inquiry on a reservation (except, perhaps, Mr. Brosius last summer, when the circumstances were exceptional), and we therefore directed Mr. Sniffen to proceed on his errand until actually stopped.

As the case now stands, you have yourself, on the one hand, refused to order a reinvestigation at the Crow Reservation, stating as your reason that our request for such reinvestigation was not supported by any new evidence; and the agent in charge of the reservation, on the other hand, has (whether by your orders or otherwise) refused to permit our agent to remain on the reservation for the purpose of gathering, if possible, that very evidence for the lack of which you saw fit to refuse our request. As you made no objection to our plan of sending Mr. Sniffen to the reservation, we do not understand why he was not permitted to remain there, and we therefore submit the matter for your consideration without further comment.

Very respectfully, yours, CHARLES C. BINNEY,
President.

I would like to make the comment that Secretary Garfield has said, "Bring us information and we will investigate it," and when we make an effort to get any information it is rendered futile by the action of the Department itself or its representatives—that is, we want to find out whether there was truth or not in the statement.

Senator BRANDEGEE. You did not bring them any information, did you?

Mr. SNIFFEN. We could not bring them any information unless we could go to the reservation.

Senator BRANDEGEE. You simply say it is alleged so and so by so and so and ask them to investigate.

Mr. SNIFFEN. Yes, sir; he says he will not investigate conditions on the reservation unless we bring him some specific charges.

Senator PAYNTER. I understand that you are making the point that when you went there to make the investigation you did not have the privilege of doing it.

Mr. SNIFFEN. We did not have the privilege of doing it.

Senator CURTIS. And heretofore you have had that right?

Mr. SNIFFEN. Yes, sir; heretofore we have had the right.

Senator PAYNTER. You sent the Secretary a copy of this letter that was sent your committee?

Mr. SNIFFEN. Yes, sir; the letter explains the matter very briefly.

The CHAIRMAN. You had better read the last letter.

Mr. Sniffen here read the letter, as requested.

The CHAIRMAN. Was any reply received to that?

Mr. SNIFFEN. No reply has thus far been received.

Senator PAYNTER. What is the date of that letter?

Mr. SNIFFEN. March 13.

The letter referred to is marked Exhibit M. K. S. No. 1 and appears in another part of the record.

The CHAIRMAN. Now, calling your attention to this Exhibit M. K. S. No. 1, you state that the matters therein set forth as facts are true, under oath?

Mr. SNIFFEN. I do.

Senator CURTIS. Have you completed your statement?

Mr. SNIFFEN. There is one particular feature of the grand jury report that I wanted to call attention to, because I think it is inaccurate, despite the fact that I made it very clear that we were not responsible for the memorandum of Mr. Brosius having been brought to their attention. The report of the grand jury says:

For some reason Mr. Brosius, the agent of the Indian Rights Association, at whose instance the charges against the Indian agent at the Crow Reservation were presented to the grand jury, did not appear before us.

Now, as I said to the committee, the association was in no way responsible for that having been brought to the committee's attention, and it is inaccurate to make that statement.

Senator PAYNTER. Is this the grand jury's report?

Mr. SNIFFEN. Yes, sir; this is from the Independent. Where it refers to me it says:

We gave him and the witnesses whose names he suggested the widest latitude in presenting their evidence, and, after having listened patiently to everything they had to present, we have no hesitancy in saying, etc.

I submitted the names of three witnesses who came up to Helena of their own accord and who desired to testify. They made the request that they be heard, and they were summoned. Then I had a list of several other names which had not been included before, and which I submitted to the foreman of the grand jury, and so far as I am aware not one of those witnesses was summoned. I have not the list or the papers with me, but I mention that as simply taking exception to those two statements.

Senator STONE. Is that a printed report of the grand jury?

Mr. SNIFFEN. It is the report of the grand jury that was printed in the Independent of Helena. That is the morning paper, and so far as I have been able to look it over, it is perfectly correct. I got a copy from the clerk's office at the court and read both over and saw no inaccuracies except some typographical errors in the transcript. So far as that report is concerned, I know that it was very noticeable—the action of Mr. Rasch. He seemed thoroughly biased throughout, and, as I have stated, if he had been the attorney for the defense he could not have acted the part better. His efforts seemed more to discredit witnesses—I am citing my own experience and what the other witnesses said—more than it was to develop facts, and not one of them that I know of was seen by Mr. Rasch with a view of developing their statements that might be brought out, and that was so noticeable that, according to this statement in the Independent, Mr. Rasch was excluded from the grand jury room.

Senator DIXON. What kind of a set of looking grand jurors were those men, Mr. Sniffen? Were they intelligent looking?

Mr. SNIFFEN. Well, you would find all sorts of conditions, so to speak.

Senator DIXON. Where were they from, mostly, what parts of the State, do you know?

Mr. SNIFFEN. I do not know; they came evidently from different parts of the State, like Forsythe and Billings. I think the district would take in all of Montana, would it not?

Senator DIXON. Yes; that is the district of the State.

Mr. SNIFFEN. And as far as I am aware there were no two from the same locality, although I am not sure of that.

Senator BRANDEGEE. Are you in possession of any evidence that the grand jury was improperly influenced in any way?

Mr. SNIFFEN. No; I am not in possession of any evidence that the grand jury was improperly influenced; it is only rumor. There was a feeling—in fact, one of the grand jurors made the statement to Colonel Nolan that there was a great deal of pressure brought to bear on them to influence their action.

Senator DIXON. Who told you that he made that statement to Mr. Nolan?

Mr. SNIFFEN. Colonel Nolan.

Senator DIXON. Did he indicate what kind of pressure it was or who applied it?

Mr. SNIFFEN. He did not indicate the kind of pressure except it seemed that the whole power of the Federal Government had been brought to bear on the jurors to influence them.

Senator PAYNTER. To influence them not to return an indictment; is that it?

Mr. SNIFFEN. To block, as I understood it, anything like a real investigation of the affairs on the reservation.

Senator DIXON. What grand juror made that statement, if you recall?

Mr. SNIFFEN. You could easily ascertain by——

The CHAIRMAN. The question is, Do you know?

Mr. SNIFFEN. I am not sure of it. It was made to me by Colonel Nolan.

Senator DIXON. Did he specify the grand juror?

Mr. SNIFFEN. I am not sure that he did.

Senator DIXON. He was the attorney for Mrs. Grey?

Mr. SNIFFEN. He was one of them—Colonel Nolan, as you know, was former attorney-general of the State.

Senator DIXON. Who paid the attorneys' fees, if you know?

Mr. SNIFFEN. I do not know; I do not know whether they have been paid yet.

Senator CURTIS. Have you any further statement to make?

Mr. SNIFFEN. I have a statement regarding the bills, but that will come in afterwards.

Senator STONE. Before you get to the bills, the matter that Senator Paynter called attention to was the things that the Indians had stated to you off the reservation?

Mr. SNIFFEN. That would come in with regard to the bills. There was a general feeling on the part of the Indians—how much it was justified, I can not say—but those who came up to testify regarding what you might call the other side said that they felt that any testimony that they might give before the grand jury they would be held responsible for after they got back, or they would be punished for it. I can only state what their feeling was. They have complained a great deal about being interfered with when it came to going off the

reservation. As all of you gentlemen know, as a matter of fact, an Indian has as much right to leave his reservation, whether he is a citizen or not, as you have to enter this room or to go out of it. That was decided in 1879 in the old Ponca case by Judge Dundy—that in the Constitution the Indian was a person, and that he had the same right to life, liberty, and the pursuit of happiness as his more fortunate white brother. If the matter were taken into court, no agent could prevent an Indian from having as free access to his reservation as I would have to any public building.

Senator DIXON. The rule of the Department is that the Indian can not leave the reservation without a permit from the agent.

Mr. SNIFFEN. That might be a rule of the Department, but it is not the law.

Senator DIXON. Would it not break down all discipline to do away with that rule?

Mr. SNIFFEN. You have to bring the Indian some time to a position when he must stand on his own feet.

Senator DIXON. Is the Indian Rights Association opposed to that?

Mr. SNIFFEN. No; it believes that as soon as you can do away with the reservation system and bring the Indian up to his individual status and get him on the same footing as the white man—of course, in the transitory stage help him all you can, the better it will be for him. In other words, the theory of the Indian Rights Association is in reality to exterminate the Indian as an Indian and merge him——

Senator DIXON. Into citizenship?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. Are you objecting to the bill for the opening of the Crow Reservation?

Mr. SNIFFEN. We have these protests that come to us. The Indians are very much opposed to it. They object to what they consider the manner in which this council was held. They claim that it was no council.

Senator STONE. Do you know the number of Indians on this reservation?

Mr. SNIFFEN. I believe it is between 1,700 and 1,800.

Senator STONE. How many of them are adult men?

Mr. SNIFFEN. When you say adults you mean men over 18—I suppose there must be about 500. Major Reynolds can tell you.

Mr. REYNOLDS. I think it is between four and five hundred.

There being no further questions, the witness was excused.

STATEMENT OF SAMUEL G. REYNOLDS.

SAMUEL G. REYNOLDS, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. What is your occupation?

Mr. REYNOLDS. United States Indian agent.

The CHAIRMAN. You may state what the nature of the charges were that the grand jury were investigating at the time referred to in this proceeding.

Mr. REYNOLDS. The criminal charges against me were the purchasing of a steam thrashing outfit that I paid $10,000 for and received a rebate from the company of $4,000; of carrying Dick Wallace on

the pay roll as a Government employee since the C. O. herd was divided in 1903.

Senator DIXON. That is the Crow Reservation?

Mr. REYNOLDS. Yes, sir; that he had performed no service; carrying Carl Leiter as the herder since the C. O. herd was divided and that he had performed no services; carrying Smokey on the pay roll, and that he had performed no service; carrying Clarence F. Brown on the pay roll as additional foreman, and instead of performing his duties as farmer he was engaged in work in the trader's store at Crow Agency; charged with making a false affidavit in the adoption of Mrs. Fred E. Miller Richard Throssell, Harry Throssell, Mrs. Harry Throssell, and two children. That is the extent of the criminal charges made against me before the grand jury.

Senator BRANDEGEE. I want to ask if there were other charges against other people also before the grand jury?

Mr. REYNOLDS. John K. Rankin was charged with having carried his son as an employee of the Government.

Senator BRANDEGEE. I do not care to go into the details of the charges, but were there other charges against other people?

Mr. REYNOLDS. Just this one, carrying his son, the same as I was carrying the other man.

Senator BRANDEGEE. Were there charges against this Mrs. Grey?

Mr. REYNOLDS. Yes, sir.

Senator BRANDEGEE. Those were the only three people who were involved, or whom charges were against, that the grand jury investigated?

Mr. REYNOLDS. Yes, sir; there were charges against Mrs. Grey.

Senator BRANDEGEE. Is it possible for us to get a copy of the charges from the court out there?

Mr. REYNOLDS. It is all a matter of record, I think, in the Secretary's office. This was all documentary. The whole business was laid before the Secretary.

Senator BRANDEGEE. What was the verdict of the grand jury in your case in the charges against you?

Mr. REYNOLDS. The documents will be produced by the Department here.

Senator BRANDEGEE. But do you remember what they were?

The CHAIRMAN. There was no true bill, was there?

Mr. REYNOLDS. There was no cause. No verdict was returned.

Senator DIXON. No true bill is the language.

(The witness was thereupon excused and the committee adjourned until to-morrow, April 3, 1908, at 10 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C., April 3, 1908.

The committee met at 10 o'clock a. m.; present, Senators Clapp (chairman), Sutherland, Brandegee, Curtis, Brown, Dixon, Stone, and Paynter.

STATEMENT OF MRS. HELEN PIERCE GREY—Resumed.

The CHAIRMAN. Mrs. Grey, you may proceed with your statement.

Mrs. GREY. In looking over the record I find that several times, day before yesterday, Senator Sutherland asked me questions about

the irregularities on the Henry leases and said that I did not answer him. I understood that I was talking about the Bair leases and said that they were the irregularities. That was a mistake. I will be very glad to tell him about the Henry irregularities. That is a very different matter.

The CHAIRMAN. Inasmuch as that is what he asked about perhaps you better answer it now.

Mrs. GREY. I read from Mr. Dalby's report to show his manner of making his investigation. Secretary Garfield has said he is perfectly satisfied with this investigation. (Reading.)

F. M. Heinrich, or as he is commonly known on the reservation, "Frank Henry," began running cattle in a small way in 1899 on the southern range which he now occupies. He has increased his herd from time to time until it has reached its present proportions. Whenever he puts new cattle upon the range he takes out a separate permit for them except in so far as they may take the place of cattle shipped out while covered by an unexpired permit. These permits have usually been for one year, payment being made in advance. At the expiration of a permit a new one is taken out, which may be for the same number of head, or for more or less than the one which it supersedes, according to the existing state of the herd. At first these permits were merely informal arrangements with the agent without the approval of the Department. The permitee simply made a certificate that he had paid the agent so much money for the grazing of so many head of cattle upon the reservation for such a length of time; that no more cattle than the number recited would be grazed under the permit, and that no more money than the amount stated had been paid therefor. To this certificate the agent added his own as to the amount of money received. These transactions thus came to the knowledge of the Department only in connection with the agent's accounts.

In 1904, however, this practice was changed and since then a regular form of grazing permit has been used, and each transaction has been submitted to the Indian Office and the Department for approval.

The following table, compiled from the agency records, gives in epitome the history of these transactions up to the present time.

The table I will not read, as it will be published in Mr. Dalby's report.

You see he admits that they had a private arrangement between the agent and Mr. Henry. I say that the Henry Cattle company and the cattle belonged largely to the agent; that is, Mr. Reynolds. Mr. Henry is the foreman of that company and not the owner of the cattle, and you will see that this statement of Mr. Dalby, which is his report, so states that the arrangement of the permits were originally made as a permanent arrangement between Mr. Reynolds and Mr. Henry. He says:

The $800 paid by Mr. Henry did not pass through the agent's accounts at all, but were paid out by him at the suggestion of the agent in the purchase of a carload of seed potatoes and a set of heavy driving harness, and this property was turned over to the agent in lieu of cash and as consideration for the permit given. It seems that the agent, John E. Edwards, had experienced considerable trouble in getting authorities from the Indian Office for such purchases as these, and in order to have the potatoes in time for planting and to get the desired harness at all, he resorted to this expedient.

I think this should be the former agent. This was the time Mr. Reynolds was there, but whether it is or not Mr. Edwards was only there a year and a half, so it is very recent anyway.

Senator STONE. Let me understand. Is there a question now, since you have come to the name of Edwards, as to whether that report was referring to the agent Edwards or the agent Reynolds?

Mrs. GREY. Why, it does not make any special difference because the charges that I am making are against the administration of this Henry Cattle Company, and whether it was done by Edwards or by Reynolds is only a matter of personality.

The CHAIRMAN. Would that not be the gist of the offense. If it was not done by anybody connected with the Government it was no irregularity.

Mrs. GREY. I say that Mr. Edwards had cattle there too, but he was one of the members of the firm.

Senator STONE. Do I understand that you make no charge against Edwards?

Mrs. GREY. Yes, sir; the most serious possible charge. Mr. Edwards is a well-known man in that country. He has been a cow puncher for years at $40 or $50 a month. After that he had charge of Thomas Crews's sheep camp—Thomas Crews is brother-in-law of Senator Carter—for which he got $50 to $75 a month. That would be the regular price there.

Senator SUTHERLAND. What relation does Mr. Edwards have with the administration of affairs on the reservation?

Mrs. GREY. He is very active in what you might call the ring on the agency.

Senator SUTHERLAND. Does he hold any official position?

Mrs. GREY. No, not now. It was under him that the herd was stolen.

Senator SUTHERLAND. When did he cease to be agent?

Mrs. GREY. I think five years ago.

The CHAIRMAN. What you have been stating this morning so far with reference to the Henry lease, where you have referred to the agent, upon a consideration of the report, it appears that the agent referred to was Edwards and not Reynolds?

Mrs. GREY. Yes.

Senator STONE. That is what I was trying to get at. You were about to say, Mrs. Grey, when interrupted by somebody, that Edwards was a cow puncher, getting from $50 to $75 per month.

Mrs. GREY. Forty dollars a month and his board.

Senator STONE. At least that was the current wage paid for such employment?

Mrs. GREY. Yes, for punching cows in the northern part of Wyoming.

Senator STONE. You stopped there; what were you going to say about it?

Mrs. GREY. Then he became the camp boss for Tom Crews's sheep camp. He was there for some time at $50 to $75 a month; that is the current price for that sort of thing. Then he had a small general store and a stock of perhaps $500 at Junction, a little town near the reservation. Then he was made agent of Crow Reservation at the time of the opening. He was agent eighteen months. When he had finished his work he went to Forsyth and opened a bank and a general store, and was president of an irrigation company. He did very well in eighteen months.

Senator STONE. He is a man of large wealth, is he?

Mrs. GREY. Yes. He became so in eighteen months. Now, then, I published my articles in the Billings Inquirer, and Mr. Edwards replied to what was published in the paper, and knocked the circula-

tion agent there through a plate-glass window, so that the sheriff had to rescue him.

Senator STONE. You mean he assaulted the agent?

Mrs. GREY. Yes. He assaulted the circulation agent of the Billings Inquirer at Forsyth and the sheriff had to rescue him. This was published in the paper at the home town.

Senator SUTHERLAND. You say that Edwards became president of the bank?

Mrs. GREY. I do not know whether he was president or not, but he was the man who put the money into the bank. I can give you the name of a gentleman who is one of the directors of the bank as authority for that statement. Anyway he was heavily connected with the First National Bank of Forsyth.

Senator DIXON. Yes, I think Edwards is now with that bank.

Senator SUTHERLAND. Where is Forsyth?

Mrs. GREY. It is just up on the Northern Pacific.

Senator DIXON. Yes; about 75 or 100 miles up to the north.

Senator SUTHERLAND. It is off the reservation, is it?

Mrs. GREY. Yes, it is off the reservation.

Senator STONE. Were you ever there?

Mrs. GREY. No; I have never been there.

Senator STONE. Did you ever see Edwards?

Mrs. GREY. I must have seen him, but I do not know him. I was told when I was in Billings this last time he followed me around, and when the deputy sheriff found it out he thought I had better get out of town; that was Deputy Sheriff Hubbard, I think, and I left that night. Mr. Edwards had been following me all that day and the day before, and in view of what had happened and what was likely to happen, they asked Mr. Sniffen to have me leave town that night.

Senator STONE. You are going to read from Mr. Dalby's report?

Mrs. GREY. Yes; I am reading Dalby's report.

Copies of the correspondence showing the history of this transaction are submitted herewith as J. R. G. No. 1.

I think these are the papers that Secretary Garfield said he would have here. (Reading:)

The above table shows clearly the grazing rights which Mr. Heinrich was at any time entitled to enjoy, and how those rights have gradually and steadily grown.

Now, I have read you all he said. He draws this conclusion from this little statement that he makes here. (Reading:)

Whether he exceeded those rights at any time could hardly be determined without investigation on the range.

In her charges submitted to the President, Mrs. Grey insinuated indirectly and rather by way of innuendo that Mr. Heinrich was running more cattle than he was paying for. I found some suspicion of this kind in the minds of some of the Indians. But as the Indians have little or no knowledge——

He admits, you see, that the Indians are kept in absolute darkness of everything that goes on on their reservation. Now, this is on their own allotment and on their own reservation, as you must remember. (Continuing:)

I have suspected that their feeling in this matter arose largely, if not entirely, from Mrs. Grey's suggestion. I was strengthened in this suspicion by the fact that these Indians were not Heinrich's neighbors——

It is absolutely false. These Lodge Indians are the men who live in this district right outside, and who had given up their own land to Henry. They are his neighbors from one end to the other. It was fenced in. (Continuing:)

while his neighbors had no such opinion to express——

Joe Cooper is one of his neighbors, and he is the man whom he called a liar and told him to get out of the tent when he made this investigation. (Continuing:)

And I was practically confirmed in it when the same charge was made to me by a squaw man named Peters. I think it quite probable that it was upon Peters's statement alone that Mrs. Grey based her charge. Peters has the general reputation of being a scoundrel, and nobody who knows him will trust him or believe him.

I never have spoken to Mr. Peters, so far as I know, and this is absolutely and totally false. They had a council of about 200 Indians, and I think this matter was taken up among these very Indians who live in this district. The fence is 40 miles long. These are the Indians who live here who came to this council. These are the Indians whose names are largely in this paper. They told Mr. Dalby in the best English they could put it, and it was then that he gave me as reference about it. I do not know Mr. Peters; I do not know anything about him.

Now, this is the way they count cattle; if you know anything about counting cattle I want you to listen to this. It is a most absurd statement, and Mr. Garfield, who is the head of the Department and has millions of dollars of this money to handle, says this is the kind of a report that satisfies him. (Reading:)

About the middle of June I rode through Mr. Heinrich's winter range where his cattle were still held, having been unable to get across the mountain on account of snow. On going through the range I kept a rough tally on all the cattle I saw. I counted in all about 1,000 head——

Now, this was riding casually through the range. (Continuing:)

which included about 250 or 300 Indian cattle——

In other words, as he rode casually through the range this stenographer from Washington, who had never been west of the Mississippi in his life before, counted 1,000 head of cattle when he was riding through the range casually, and detected the Indian brands from the other brands. I have been over this range several times, and have drawn my horse up and sat on the fence and waited, and I have tried to see the brands, and have never yet seen one of these brands to my knowledge, and my eyes are as good as his.

Senator SUTHERLAND. Was he a cattleman?

Mrs. GREY. Mr. Dalby was the private secretary of Secretary Garfield, of Washington. He had never been west of the Mississippi before, and I doubt if he could tell a steer from any other kind of cattle. That is how much he knows about cattle. If I could only have these Indians tell the story of how he told them not to part with the steer's calves; that the Great White Father wanted to get them rich and allow them to keep the steer's calves, I think he would be very much amused. I did not hear him say it to the Indians, but they

told me several times, and I must say that it was one of the funniest things I have heard in my life. He continues (reading):

I counted in all about 1,000 head, which included about 250 or 300 Indian cattle. At this time Mr. Heinrich was entitled to have upon this range 3,200 head. I had examined about one-third of the entire range on which he was then running cattle and had found not more than one-fourth of the number he was entitled to have upon the entire range. Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle.

The fact of it is that it snowed the night before, and there were trails all over the mountain and John Booze was ordered off the reservation. He had offered to pay as much as Henry, and had been ordered off that very morning. As matter of fact, Dalby never saw 1,000 head of cattle, any more then he saw 100. (Reading:)

Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle.

Yet Mr. Bair took all his sheep off the reservation, and got them off about two months before this. (Continuing:)

As I had seen the very heart of his range, and the most attractive part of it (along the water course), I deemed it so improbably that the entire number of cattle on the range would exceed the number authorized by the permits, that I considered further investigation unnecessary.

Now, there is his investigation into the Henry Cattle Company. You have the whole thing.

Senator DIXON. Who is the Henry Cattle Company? Who compose it?

Mrs. GREY. If you could answer me that question, I shall be very glad. I will give it to you as nearly as I can. This is not a finished investigation; this is what has been told me and what I suppose is so, but I do not know. Mr. Henry is a man who had a few cattle on the reservation, and has run them there a good while; I do not know how long. He was in with Jack Kennedy and Pack Saddle Jack, if you know those men down there. A number of them were running a few head of cattle on the reservation.

Senator DIXON. No. I do not know them.

Mrs. GREY. When Mr. Reynolds came he was an owner in the Bull Mountain Cattle Company; X Diamond X is their brand. Just after he came on he put 300 head of cattle with his brand and hired Indians to send them on to the reservation. He put 300 of those cattle on the reservation. Now, the cowboy who was the line rider at this time told me he was not there when the cattle were put on, but the next day the cattle were all bunched where they were turned in, and Mr. Henry came to him and said: "Throw these cattle back where the water is;" and Bob asked him whose cattle they were, and he said: "They are mine." He said: "Where do they come from?" And he asked how many there were, and Mr. Henry said he didn't know. Bob asked, "Where did they come from," and he said, "They were priced to me so cheap that I bought the bunch."

Now, you know, that no cattleman ever buys a bunch of cattle without counting them. Harry Thompson was one of the cattlemen of the range; he is a squaw man, and he saw this number of cattle coming in, and he rode up so that he could watch them being turned in.

They were simply turned in, and not counted or inspected. They were driven by Charles Yerlott and Ten Bear. These two men afterwards worked for Henry with Carl Leiter; and after the investigation at Helena this Ten Bear was the Indian whom he wanted to get and he is the Indian who is still in jail at Crow Agency. I do not know what he was arrested for. That is one thing I would like to have investigated, why Ten Bear was arrested, and why he is held in jail now. Of course, there will be a very good reason given, but I would like to know of any legitimate trial that was held on Ten Bear to give him sixty days sentence in the jail. He is a man of the very highest standing; he does not drink, and he is well thought of by all the men at the agency. But the fact remains that we put his name down to be called at the Helena trial before the grand jury as a witness and he was put in the agency guardhouse.

Senator PAYNTER. He was arrested after you had given his name as a witness?

Mrs. GREY. Yes; after I had given his name as a witness, I suppose; I do not know, I am sure. I gave these names of the witnesses about a month before, but I do not know just when they were turned in to Mr. Rasch, so that I can not positively say; I did not see them.

Now, this is the attitude of the Department toward Mr. Henry and the way it has investigated, and is the basis upon which he makes his very warm defense of Mr. Henry. (Reading:)

Mr. Heinrich's dealings with the Government under his formal permits I believe to be beyond criticism.

Here he says they were made formally; it was a matter of agreement between him and the agent. (Continuing:)

To Indians having lands within his permit territory he has made just compensation for damages done.

It is absolutely not true. It Scratches His Face is one of the good Indians in this district. He has a fenced pasture, in which he was keeping some stock, some kind of very particular stock. I do not know what they were, but he had more room on this pasture than he wanted, and Mr. Henry came to him and asked him if he might put 100 head of cattle into this pasture. I think it was in the spring; and these cattle were marked in some way; they were something that Mr. Henry wanted to keep separate. Scratches His Face said all right, he would put them in at $1 a head, and he did. Scratches His Face was living farther away. When he came back the Indians told him that Mr. Henry had put 500 head of cattle in his pasture, and they went up and counted them and there they were about 500 head of cattle in the pasture, and they went down to the agency and told Mr. Reynolds. Mr. Reynolds told them to go home, that it was all nonsense; that if Henry said there were 100 head of cattle there, they were there. Every person in that district knows about it. I suppose there were 10 or 15 who went with him to count those cattle.

Senator PAYNTER. How many cattle was he to put in under the agreement with Scratches His Face?

Mrs. GREY. One hundred, I think, but I do not know; that is my impression; there may have been 200. But there was a great discrepancy between the number he said he had and what Scratches His Face said he had.

Now, listen to this. This is the Department's own statement of the way it allows the Indians to farm on their range land upon the reservation. (Reading):

He has sometimes even made compensation in advance, in anticipation of damages which were liable to occur, and in some of these cases I believe such compensation has far exceeded absolute justice and become substantial liberality.

You see that they knew that these Indians could not farm with these cattle and these sheep all around them; it can not be done. (Reading):

In August, 1906, Mr. Heinrich made an agreement with the Indians having allotments of grazing lands between West Soap Creek and the Big Horn and south of old Fort C. F. Smith military reservation, in the territory just to the north of his regular permit territory, by which he was to run cattle upon these lands.

Now, this is the ranch land; it is very fine land. (Continuing):

He was to complete the fencing of this general district into one large pasture, which would include not only these allotments but a small proportion of unallotted lands as well. The Indians were to continue to graze their own stock, both horses and cattle, upon these lands as heretofore.

Now, this is the way it is done. The Indians have no place to run their stock except where the Heinrich Cattle Company are. Here is a great big bunch of cattle, and the few little bunches that the Indians have go right in with them. These cattle drift around; they have a long sweep. The Indians live in one place. Henry rounds way up, and none of the Indians know where their cattle are, and they say they never get any increase from their cattle. (Continuing):

Each allottee was to receive from Mr. Heinrich $5, and in case he had any fenced pastures or cultivated land, he was to receive more in consideration of the risk of damage to these.

Now, this $5 was not for grazing on this land. The Indians in a lodge meeting, what they call their "council," in Lodge Grass, wrote me a letter in which they said this $5 was for tying the fences; that it was not for grazing. One Indian has a fence here and another a little fence there, and he puts a fence between the two, and he uses the Indians' fence and his own as well, and he paid them $5 for tying those fences. It was not for grazing. The Indians protested against it. This was their reply. (Reading):

This arrangement was made through Carl Leiter, who acted as the agent for Mr. Heinrich, both in securing the agreement and in making the resulting payments to the Indians.

You see he says in his report that Mr. Carl Leiter is acting as agent for the Henry Cattle Company. The report shows that Carl Leiter is drawing $75 a month as boss herder for Indian cattle, and there are no Indian cattle; and if he is doing anything he is acting as agent for the Henry Cattle Company.

Senator CURTIS. You say there are no Indian cattle?

Mrs. GREY. There are no tribal Indian cattle. The herd was issued, I think, in 1892, and there were $36,000 worth of cattle put in just afterwards; I don't know whether they were put in or not; the Indians say they do not know anything about it. That is another thing I would like very much to have inquiry made about.

Senator DIXON. And there is no Crow herd at this time?

Mrs. GREY. No. He is carried on the rolls as boss herder, at $75 a month, and it is Mr. Dalby's own statement that he is acting for the Henry Cattle Company. I understand that every one of them is paid by Government checks. Now, to give you my idea, this is where the lease money goes to. This, I do not know, but this protest to me contained this statement that this Henry cattle was in there and was being taken care of and paid for by Government checks.

Senator SUTHERLAND. Let me see if I understand you. Who was the man you mentioned?

Mrs. GREY. Carl Leiter. It should really be L-e-i-t-e-r.

Senator SUTHERLAND. You say he is carried on the Government rolls at $75 per month?

Mrs. GREY. Yes.

Senator SUTHERLAND. As Government herder?

Mrs. GREY. As Government herder.

Senator SUTHERLAND. He is supposed to be a herder for the Indian cattle?

Mrs. GREY. Yes; the Indian cattle.

Senator SUTHERLAND. And in addition to that he is employed by the Henry Company?

Mrs. GREY. Well, there is no herd.

Senator SUTHERLAND. I understand you that he is employed also by the Henry Company?

Mrs. GREY. Here is Mr. Dalby's own statement that he acted as agent for the Henry Cattle Company; he is running his own cattle there; he has a ranch there. He is not in any service excepting when they want to use him. When they want anything delicate done they get Carl Leiter to do it. Who did Mr. Dalby bring as interpreter? Carl Leiter.

Senator SUTHERLAND. What I want to get here is to know whether or not he is employed by the Government at a salary, and also employed by this cattle company. Do you know whether that is so, that he is employed by the Government upon a salary and also by this private cattle company at the same time?

Mrs. GREY. I do not know whether the private cattle company pay him anything or not, but before the grand jury this was one of the charges that were made, and Mr. Rasch said it was not indictable anyway, and he would not go into it. (Reading:)

Under this arrangement Heinrich paid, through Carl Leiter, to the various Indians interested $1,000, and at various times beginning in October, 1906, he put about a thousand head of cattle upon these lands.

Now this is his authority for saying everything is right there. (Reading:)

Carl Leiter has furnished me, from his original memorandum book, a list showing the payment of this money by him to the various Indians. I have not checked it up by inquiry of the Indians themselves——

In other words, Carl Leiter is his authority for making the statement, and that is the only authority that Mr. Dalby obtained. This man who was sent to investigate this matter says: "I am satisfied with it."

There was one thing more about Carl Leiter that I want to speak of. Before the grand jury, we had him there, and E. L. Dana, who is the largest leaser on the reservation, and a man of the very highest

standing, was questioned with regard to this very matter. Mr. Dana, who is the big cattleman there, sent word to the agent that when the round-up came he would like to have the agent send somebody to brand the Indian cows, that there were a good many Indian cattle with his, and he did not think it was fair for him to attend to the branding of those cows. I know that Hyshman, who is rounding herds, says there were three round-ups going on. I know them to speak to them. He said they sent notice to Mr. Reynolds to send to the different cattle a representative out there to brand the Indians' cattle. He replied that he had none to send. Mr. Dana has this letter, and it can be produced, I suppose, if you want it, and Mr. Reynolds did not send anybody; he is not in the habit of sending anybody. And if Carl Leiter could be of any possible service to the Indians or the Government, that would be what it would be. If he had anything to do with the cattle, it would be as boss herder at the different round-ups, at the different places. Wouldn't you think so? (Reading:)

Carl Leiter has furnished me, from his original memorandum book, a list showing the payment of this money by him to the various Indians. I have not checked it up by inquiry of the Indians themselves, as I did not obtain the detailed information until after my trip over the reservation, and in the absence of complaint by the Indians I deem it fair to assume that the arrangement is satisfactory to them, and that it has been carried out fairly and honestly.

Now, they made every form of protest that they possibly could make, and I do not know how they could make any more against the Henry cattle, and it was made to Mr. Dalby. I heard it made. Joe Cooper was making that when he called him a liar and told him to get out of the tent; yet he says he never heard any complaint against the Henry Cattle Company. (Reading:)

In connection with the arrangement above referred to Mr. Heinrich has agreements with several of the Indians in this Territory for putting up individual fences for them at an aggregate cost of about $325, in consideration of which he was to have the right to pasture 325 head of cattle upon their land for one year.

Now, the fence that he put up there—you would imagine that each individual allotment had a fence around it. There is nothing of the kind. There is a fence 40 miles long, which is a very great detriment to the Indians and in no way an advantage to them, and it is this long fence that Henry puts up, and in consideration of putting that up he gets this permit. This is not true at all.

Senator SUTHERLAND. Why do you say it is a detriment to the Indians? I do not understand that.

Mrs. GREY. Each Indian has his own individual allotment. Now, here is the big unallotted land which is their grazing land. Now, it is of no advantage to him to have his allotment fenced in with a long fence on the outside of it there. The only advantage to him would be to have the fence around his allotment.

Senator SUTHERLAND. This long fence, as I understand the situation, perhaps I do not, separates the lodge land from the grazing land?

Mrs. GREY. Oh, no. This big fence fences in the Henry lease.

Senator CURTIS. And puts the allotment in the pasture, as I understand it?

Mrs. GREY. There are a great many allotments. They do not pay any attention to alloted land or unalloted land.

The CHAIRMAN. Just say yes or no in answering the question.

Senator CURTIS. By building this 40-mile fence, it incloses in the big pasture this Henry ranch, and various allotments to the Indians?

Mrs. GREY. Yes.

Senator SUTHERLAND. So as to mingle the allotments with the pasture land?

Mrs. GREY. Yes; it is right in the big pasture.

Senator DIXON. Are these allotments irrigated allotments or grazing allotments, that are inside the pasture?

Mrs. GREY. Joe Cooper had land in there, I cannot say much about what there is in the Henry pasture; but in the Dana pasture there is irrigated land; there is a ditch running right through there.

Senator SUTHERLAND. Are the allotments leased to the cattle company?

Mrs. GREY. Yes, they are all right in there.

Senator SUTHERLAND. Everything that is included in this fence is land that was leased by the cattle company?

Mrs. GREY. Yes.

Senator SUTHERLAND. If that is so, then how are the Indians injured by including them all together in the same inclosure?

Mrs. GREY. This land they are supposed to make a living on.

The CHAIRMAN. Do you mean to say that the allotments themselves are leased to Mr. Henry?

Mrs. GREY. Why, that is what I do say. That is what Mr. Dalby says here in his report.

The CHAIRMAN. Then, if they are leased, why should they not have the use of them? What damage is there in inclosing them within the big fence?

Mrs. GREY. Now, they are not leased. He has a permit to run this many head of cattle in this district. Mr. Dana's land is all leased to him by the acre, and the allotted land is leased to Mr. Dana.

Senator SUTHERLAND. Does the permit include the right to use the allotments?

Mrs. GREY. I do not think it does. Mr. Bair's permit says specifically, "On allotted land." I am not sure about what Mr. Henry's does say.

Senator SUTHERLAND. Then if you are correct in this latter statement, the effect of including the land all together in one big inclosure is to give Mr. Henry the use of the allotments which he has leased. That is the complaint, is it?

Mrs. GREY. Yes. Consequently how is the Indian going to make his living?

Senator SUTHERLAND. Have you any idea of what proportion of the entire land consists of allotments?

Mrs. GREY. No; but it could be very easily found out.

Senator SUTHERLAND. You can not even approximate it?

Mrs. GREY. No.

Senator DIXON. Do the Indians get any money from the fencing in of their allotments individually?

Mrs. GREY. This is the statement that they made, $5, but it is not for the leasing; and that is what they want to do.

Senator SUTHERLAND. I do not quite understand that. The Indian gets $5 for what?

Mrs. GREY. Mr. Dalby says for the use of the allotment; the Indians say for tying the fences.

Senator SUTHERLAND. Have the Indians up there, each of them, the same quantity of land allotted?

Mrs. GREY. No. The head of the family has 320 acres, his wife 160 acres, and each child 160 acres.

Senator SUTHERLAND. Do each of them get the same amount, $5?

Mrs. GREY. No; it goes to the head of the family.

Senator SUTHERLAND. Each head of a family gets $5?

Mrs. GREY. Yes.

Senator SUTHERLAND. And that includes the allotments to the entire family?

Mrs. GREY. Yes.

Senator SUTHERLAND. And, of course, some families would have more than others?

Mrs. GREY. Yes.

Senator SUTHERLAND. But they are paid exactly the same?

Mrs. GREY. But some are not paid, at all.

Senator SUTHERLAND. But wherever they are paid, they are paid the same? Where some have 1,000 acres, perhaps some others have only one-half that amount?

Mrs. GREY. Yes; it is all the same.

Senator SUTHERLAND. At one price?

Mrs. GREY. Yes.

Senator DIXON. Do we understand that these allotments, running from 700 to 1,100 acres to a family, are inside this fence, and the only revenue they get from it is $5?

Mrs. GREY. I am taking this from Mr. Dalby's own statement of that fact. I say the Indians do not even get the $5, a great many of them.

Senator STONE. Are these individual allotments located inside this large inclosure?

Mrs. GREY. A great many of them are.

Senator STONE. Wait until I finish the question. I was going to ask you if these individual fences are separately fenced?

Mrs. GREY. No, they are not.

Senator STONE. You spoke of tying fences; that one Indian property would be fenced at one place, and at some distance away there would be another Indian property fenced?

Mrs. GREY. Yes.

Senator STONE. And that the leaser would extend the fence from one of those enclosures to another, and pay $5 for connecting the fences?

Mrs. GRAY. Yes.

Senator STONE. For "tying" them, as you expressed it. Now, what are these enclosures that are fenced, where is this tying done?

Mrs. GREY. Sometimes there are 50 acres or 60 acres or 150 acres—a small patch that he has been able to fence.

Senator STONE. Then there are some lands inside the big pasture that are separately fenced; I mean there are inclosures within the lease?

Mrs. GREY. I am trying to see whether I have ever seen it that way.

The CHAIRMAN. What the witness means, I guess, is that along the borders of the pasture area there will be here and there an allotment fenced.

Mrs. GREY. That is exactly what I mean.

The CHAIRMAN. And connecting those grounds inside the allotment area is called "tying."

Senator SUTHERLAND. That means a continuous fence.

The CHAIRMAN. That makes a continuous fence along the confines of the pasture.

Mrs. GREY. Yes; and he pays the Indians $5 for the use of that fence. The cattle can really go through that fence, so the Indian will have no protection against him. That was the depredation to which Mr. Dalby refers.

Senator SUTHERLAND. Are the Indians paid $5 per annum?

Mrs. GREY. That I can not say. That is Mr. Dalby's statement of it. The Indians wrote me in protest of this statement that they only got $5 for tying the fences; they did not say whether it was per annum or how it was.

Senator SUTHERLAND. If they get $5 for tying the fences, that, of course, would only be done once?

Mrs. GREY. I think that ends it.

Senator SUTHERLAND. Then they would not get $5 per annum, would they?

Mrs. GREY. No. Joe Cooper was in this number. He has an allotment on West Soap Creek; I think 1,100 acres; it is flat, fine land. He dug out a ditch of about 4 miles with a shovel. So you see how easy it is irrigated.

Senator SUTHERLAND. Indians who have allotments situated in the way you have described so that they can be tied together, are comparatively few, I take it?

Mrs. GREY. Yes; there are not very many of them.

Senator SUTHERLAND. Are they the only ones to get the $5?

Mrs. GREY. I think they are.

Senator SUTHERLAND. Only those Indians who have allotments which are tied together in that way get $5 per annum?

Mrs. GREY. Yes; unless he makes special arrangements for using their pastures, as did Scratches His Face. Mr. Dana does not make that arrangement.

Senator SUTHERLAND. Is that a mere opinion, or do you know it?

Mrs. GREY. I have Mr. Dalby's own statement for it.

Senator SUTHERLAND. I am speaking of the Indians who get the $5. Do you know whether or not any Indians get $5 that do not have allotments situated so as to be tied together in this manner?

Mrs. GREY. Not one of them do.

Senator SUTHERLAND. If that is true, only comparatively few Indians get $5.

Mrs. GREY. I know that Joe Cooper has land there, and he has nice land and a water space; it is the only water space up in this district. Joe put a fence around it and said: "You can not have this unless you pay me $100." So he got $100 for his.

Senator SUTHERLAND. As is marked out on the paper, and you identified the situation, the allotments are shown to be entirely outside the inclosure.

Mrs. GREY. This fence [indicating] would not be straight; it may go up here [indicating].

Senator SUTHERLAND. But the allotments are outside the inclosure.

Mrs. GREY. If they are allotments, why they must be on the inside.

Senator SUTHERLAND. Are they on the inside or not?

Mrs. GREY. I can not say whether the fence was on the inside or on the outside, but you can find out by somebody who knows it exactly. I have ridden all over this reservation.

Senator SUTHERLAND. You say, at any rate, as I understand it, that these particular allotments are fenced separately?

Mrs. GREY. Yes.

Senator SUTHERLAND. So the cattle company could not get the use of these particular allotments?

Mrs. GREY. It does really get the use of them, because the cattle—as one of the Indians said—the reason that Charley Bair's cattle were so good was that they had eaten up all his wheat.

Senator SUTHERLAND. They only get the use of them by breaking through the fence?

Mrs. GREY. Yes; and that is what Dalby says they expect to do.

Senator DIXON. Does Charley Bair have cattle on the reservation, as well as sheep?

Mrs. GREY. No. I mean Henry. Charley Bair just takes the thing out and out; he doesn't even pay the $5. I can give several instances of that. The Indians have had to leave the reservation on account of his sheep. I will come to that later. (Reading):

As to the substantial equity of these transactions I have no criticism to make. I believe they were fair and just, and satisfactory to the Indians. I have heard absolutely no complaint concerning them from any source.

Senator STONE. What transactions—these that you have been referring to?

Mrs. GREY. Yes. And every Indian on that reservation, as soon as you begin to talk to him, will say that on some allotments they won't even let them have a cornerstone.

Senator STONE. You say you think that is unsatisfactory?

Mrs. GREY. Well, what do you think? But this is the lease money, and they want to know where it goes. These are the instances about the transfer of the Reynolds cattle to the Henry Cattle Company, and prove very conclusively that there was a change of name, but as to the change of ownership it does not go into that at all. And here was Mr. Dana, who could have given the very kind of information on this subject, a big cattleman and a principal leaser on the reservation, he never went near him. John Booze was there and tried to protest, and he was ordered to take his cattle off the reservation, and he had to take them off; and he offered to pay, and made the proposition to pay as much in six months as Mr. Henry had paid in eight years, but he had to take them off for, as Mr. Dalby said, meddling at this time. Mr. Dalby only wanted Mr. Bair's statement and Carl Leiter's, and that is all he used.

Senator PAYNTER. Is Booze an Indian or a white man?

Mrs. GREY. He is a white man, and is part owner of the Basin Cattle Company. He is a partner of Mr. Arnold, of the First National Bank of Billings. You said you knew him.

Senator DIXON. Yes; I knew Mr. Arnold.

Mrs. GREY. And they are very good men, are they not?

Senator DIXON. Mr. Arnold is a very reputable citizen.

Mrs. GREY. And John Booze is also associated with Mr. Walsh—you know him, do you not?

Senator DIXON. No; I do not know him.

Mrs. GREY. Mr. Walsh is connected with the First National Bank in Sheridan. The Walshes belong to that English colony there, Mr. Wollopin, you know who they are around Sheridan?

Senator DIXON. No.

Mrs. GREY. They are some of the finest people in Sheridan, and John Booze is very closely associated with them. He made this offer, and he was the one who had to take his cattle off the reservation. He says that Henry has not less than 20,000 head of cattle on this reservation, and he is in position to know. He has been fourteen years right up in this district, working for Henry a good deal of the time.

Senator PAYNTER. Does Mr. Dalby in his report make it appear that Mr. Reynolds owned these cattle when he went on the Henry lease or under the Henry permit?

Mrs. GREY. No; he says he did not.

Senator PAYNTER. You said something about the transfer of ownership there.

Mrs. GREY. Well, he goes into a long statement of how Mr. Henry took some papers out of his file and did not know he was going. As long as he had taken them out of his file they must be authentic, and that paper that Mr. Henry took out of his file to show that he had paid Mr. Reynolds for these cattle, that is what he bases the ownership upon.

Senator DIXON. Do you charge that Reynolds is a part owner in the cattle company?

Mrs. GREY. Yes.

Senator DIXON. To what extent?

Mrs. GREY. I do not know to what extent. As I said, I do not know who these cattle belonged to. There is another man who probably owns part of these cattle, Mr. Bostwick, of South Omaha, I think it is. They spoke of him as Mr. Bostwick. I think he is the Mr. Bostwick of the Payne Investment Company.

Senator SUTHERLAND. Upon what do you base the statement that Mr. Reynolds is interested in the cattle?

Mrs. GREY. That he turned his cattle on the reservation.

Senator SUTHERLAND. Who turned his cattle on the reservation?

Mrs. GREY. Mr. Reynolds did. They had his register brand. It is still his register brand, I believe. The Indians always spoke of these as the agent's cattle. Harry Thompson, who has been running cattle up there, said whenever he would meet Mr. Reynolds, "See your cattle;" and he would say "All right." He never denied that they were his cattle until just lately. The fact is that all the Government employees had cattle up in this district. When I made my complaint to Mr. Dalby I gave him a letter signed by Mr. Means, of the irrigation company, the chief of irrigation, or he holds some such position; I know he is very high in the Irrigation Service, and that letter had come into my hands, and in this letter he speaks of "cattle on the reservation that belonged to him and Mr. Hill."

Mr. Hill is a Government employee; I think one who cut a lot of ditches, and they are still very high up in connection with the Government. In this letter they speak of their cattle that they would have to dispose of, as they were going to work in Shosho Reservation, and I gave this to Mr. Dalby as a base for showing that the Government employees all over the reservation have their cattle on the reservation and have everything else that is on that reservation. The Indians have nothing there.

Senator SUTHERLAND. What does Mr. Dalby say about that?

Mrs. GREY. That letter disappeared. It is not mentioned here.

Senator SUTHERLAND. But what does he say on the subject of Mr. Reynolds or any other Government employees having cattle on the reservation?

Mrs. GREY. He says nothing.

The CHAIRMAN. In answer to Senator Sutherland's inquiry, I will say that on pages 11 and 12 of Dalby's report he deals with the fact of the former interests of Mr. Reynolds in the cattle business and the transfer of that business to Mr. Heinrich.

Mrs. Gray, you can put it in now or later. You have started to give some of it.

Mrs. GREY. As you said it was all going to be printed, I did not read it.

The CHAIRMAN. This report will be offered and printed later.

Mrs. GREY. There is the very best evidence to show that the farmer on the reservation, Van Hoos, has killed or butchered them there and sold his butchered cattle to the Indians when the ditch camp was up there. Now, the Indians' cattle was sold to the ditch camp.

Senator SUTHERLAND. If you have any papers that bear on that, I think you had better give them to us, because I think it is a very serious charge.

Mrs. GREY. I will tell you where my information comes from. There is a man by the name of A. G. Mills who was agent of the Burlington Railroad for some years; he speaks Indian, and I think he had some interest in one of those stores, but he is the man who said that if the grand jury wanted information on the subject he could send all the witnesses they wanted.

Senator DIXON. Where is he now?

Mrs. GREY. He was discharged for selling tickets to three Indians—Hides, Wet, and Strikes—and came before the grand jury in Helena.

Senator CURTIS. Where does he live?

Mrs. GREY. His address is care of V. Hegaman, Seward, Nebr. He will be very glad to testify. He has lived right in this district for six years. I think he has been with the railroad for twelve or thirteen years. He speaks some Indian and has been to their councils. He had a little Sunday school there, and is a man whom the Indians love very much.

Senator SUTHERLAND. What is it that you say he would say about this particular matter—that is, about Mr. Reynolds and any other employee having cattle on the reservation?

Mrs. GREY. He would say that Van Hoos had cattle on the reservation; that they were butchered and sold when the ditch camp was there, and that they are still being butchered and sold there. Then

he will say besides that, that there was an Indian, I do not know his name, who was sentenced to the penitentiary a year ago for branding a calf that belonged to Nate Cooper.

There is another thing. I made a mistake yesterday. There were a number of little leases up in the Pryor district——

Senator SUTHERLAND. Is Mr. Van Hoos an employee? I am speaking of employees.

Mrs. GREY. He is a farmer in the Pryor district. He has been up there a number of years.

Senator SUTHERLAND. And Mr. Mills would say that he had cattle on the reservation and was farmer at the same time.

Mrs. GREY. Yes; this was a charge that was made before the grand jury. One of the charges was that this Indian who had been sent to the penitentiary for branding a calf on the charge of Nate Copper and had just come home from his sentence, the Indian saying that Nate Copper had 4 Indian horses with their brands on, and the Indians, knowing their individual brands, had taken their horses away from Nate Cooper and had used them ,and they wanted somebody to prosecute Nate Cooper for stealing their horses and branding them.

This Indian who was sent to the penitentiary was in the trader's store at Pryor and he said, "Oh, Van Hoos is standing in with Nate Copper; they are stealing our horses; they have their cattle on the reservation here, and Van Hoos is taking all kinds of things to his ranch, and I wish somebody knew about it in some way and we could find out about this and make him stop it." The next day Van Hoos came to this man and said, "Did you make this statement?" and also went to Jim Frost with regard to the matter.

Senator SUTHERLAND. How do you know these facts that you are relating? Do you know personally about those matters?

Mrs. GREY. I know the different ones who told me this.

Senator SUTHERLAND. All these matters came to you from somebody else?

Mrs. GREY. They came to me when we were there in Helena. They came before the grand jury. We had counsel in Lodge Grass. These Indians who knew this made the statement that they wanted this matter investigated.

Senator SUTHERLAND. Let me ask you, do you know personally of any of these matters?

Mrs. GREY. I did not see the horses, no, sir, but I asked at this council and Plenty Coos asked if I might go to see them and Mr. Dalby would not let me, so it was not my fault that I did not see them.

Senator SUTHERLAND. Now, with reference to Mr. Reynolds outside of what you have said. Do you know of any facts which indicate to your mind that Mr. Reynolds owned any cattle that were running on the reservation?

Mrs. GREY. Yes. The way the cattle were turned in that way, the way the cattle are there, and the way the cattle are protected, and the way they are running there for next to nothing, all show that if it is not Mr. Reynolds it must have been somebody who is very high on the reservation.

Senator SUTHERLAND. But do you know of any facts in regard to the matter? These are your inferences.

Mrs. GREY. Well, the cattle bore his register brand.

Senator SUTHERLAND. Bore Mr. Reynolds's register brand?

Mrs. GREY. Yes.

Senator SUTHERLAND. What is it?

Mrs. GREY. It is X Diamond X, and this cattle were changed afterwards to other brands.

Senator SUTHERLAND. That was a brand he had before he became agent?

Mrs. GREY. At the time he became agent.

Senator SUTHERLAND. And before?

Mrs. GREY. Before and at the time.

Senator SUTHERLAND. And it is claimed that when he became agent he disposed of the cattle to this other company?

Mrs. GREY. He drove them onto the reservation.

Senator SUTHERLAND. He disposed of them, is that it?

Mrs. GREY. Yes, sir; and his brother-in-law.

Senator SUTHERLAND. Is it claimed that he sold his brand at the same time?

Mrs. GREY. No; just the cattle.

Senator PAYNTER. If I may interrupt at this point—you stated yesterday or the day before that Mr. Henry was given this permit for $7,000, I believe it was, for which somebody else had offered $8,600. Now, was that permit granted about the time you say Mr. Reynolds sold the cattle or the cattle were delivered there under the circumstances that you have just detailed?

Mrs. GREY. That was a permit for the sheep of Bair. This is the other side of the reservation. As I said yesterday, Senator Sutherland, I have not made a complete and detailed investigation of this. I am just telling you these things.

Senator SUTHERLAND. I understand. I simply wanted to get at the source of your information.

Mrs. GREY. At this council that they held at Lodge Grass when the tribes were there these were the charges that were made and they asked Mr. Dalby to investigate the matter.

Senator SUTHERLAND. I am not complaining that you do not know these things, but I want to find out what you do know about them.

Mrs. GREY. That is what I want to tell you, but I tell you what I do not know myself I want to give you as near as I can reliable people who can tell you exactly what I can not tell you. But this matter of the use of the cattle on the reservation, and buying up the wheat and all, you will find that every one who is connected with that reservation is getting rich.

Mr. Reynolds's brother-in-law came there. He had been a clerk for A. J. Babcock. He went out there and is now a banker. He was a clerk in a bank and Mr. Reynolds when he went there was cashier of the bank, and now he is a director.

Senator SUTHERLAND. You say Mr. Reynolds's brother-in-law is a post trader?

Mrs. GREY. He is a post trader, Mr. Bailey.

Senator SUTHERLAND. He is Mr. Reynolds's brother-in-law?

Mrs. GREY. Their wives are sisters.

Senator SUTHERLAND. When did he become post trader, before or after Mr. Reynolds became agent?

Mrs. GREY. Along about the same time, I think, but I can not say. Mr. Reynolds is here and can inform you. Mr. Clarence Brown was really a clerk in the store there.

Senator SUTHERLAND. A clerk of the post trader, do you mean?

Mrs. GREY. Yes, sir.

Senator SUTHERLAND. He is also Mr. Reynolds's brother-in-law.

Mrs. GREY. He is Mr. Reynolds's wife's brother, yes. He is a farmer in this district.

Senator SUTHERLAND. Who is a farmer?

Mrs. GREY. Clarance Brown is a farmer in one of the districts and lives at Crow Agency.

Senator SUTHERLAND. And he is also a brother-in-law?

Mrs. GREY. He is a brother-in-law and he is clerking at the store.

Senator SUTHERLAND. He is the farmer and is drawing a salary?

Mrs. GREY. He is not now, but he has been.

Senator SUTHERLAND. Was he ever?

Mrs. GREY. He was at this time when I was there.

Senator SUTHERLAND. When was he dismissed?

Mrs. GREY. Sometime in July.

Senator SUTHERLAND. By whom; do you know?

Mrs. GREY. I do not know; it was after Mr. Dalby came or just before he came; but anyway it was just after he made the statement a good many times and up to the time of the investigation—Mr. Bair I understood was Mr. Reynolds's brother-in-law—and I understand Mr. Reynolds said on the stand that there was no relation between them, and there is quite a good deal of joking about it, a divorce in the family since the investigation came up.

Senator DIXON. Divorce in the Charlie Bair family, do you mean?

Mrs. GREY. A divorce between the Charlie Bair family and the reservation. It was generally believed and supposed by everybody that Mr. Bair and Mr. Reynolds were brothers-in-law—also, Mr. Bailey.

Senator DIXON. Charlie Bair is not a brother-in-law of Reynolds, is he?

Mrs. GREY. That was generally understood to be his relation to Mr. Reynolds.

Senator DIXON. I do not know.

Mrs. GREY. What relation is his wife to Mrs. Reynolds?

Senator DIXON. That I do not know.

Mrs. GREY. That was what everybody was saying on the reservation, that Mrs. Bair was a sister of Mrs. Reynolds and of Mrs. Bailey, and Mrs. Lee Mains and of Mrs. Brown.

Senator DIXON. Is that true?

Mrs. GREY. Mr. Reynolds says not, so I suppose it is not. I do not know what their family tree is, but there has been quite a good deal of joking about the divorce in the family since the investigation came on.

Senator DIXON. Has anyone gotten a divorce since the investigation?

Mrs. GREY. I mean the divorce between Mr. Bair and the rest of the family—Mr. Reynolds, Mr. Bailey, Mr. Brown, and Mr. Lee Mains.

Senator DIXON. You mean they are not as friendly as they were? Is that what you mean by divorce?

Mrs. GREY. No. It was always supposed that they were brothers-in-law, but since this investigation has come on they are not any relation. They are very diligently saying that they are no relation. I have heard it corrected several times with quite a broad smile that Mr. Bair is no relation to Mr. Reynolds any more. There was quite a little published about the fact about what a good thing the family had.

I think that is all we need go into with reference to these irregularities.

The CHAIRMAN. I would like to ask you a question now. Mr. Dalby in his report refers to the information furnished by Carl Leiter. You said you heard the Indians make a protest there at this council?

Mrs. GREY. At the council at Gordons.

The CHAIRMAN. Was that before or after, if you know, Dalby appeared on the reservation?

Mrs. GREY. It was when he first came on to the reservation. This was the council that was called at Gordons to meet Mr. Dalby to begin with, and this was a thing that they protested against, that their unallotted land was occupied by the sheep and cattle so that they could not get it.

The CHAIRMAN. Was that before or after Dalby had gone on to make his investigation on the reservation?

Mrs. GREY. That was after. That was why he was there.

Senator STONE. Are you through with your statement?

The CHAIRMAN. I understood her to say that she was through.

Mrs. GREY. I am through with the statement of these irregularities. No; I have not taken up another matter. There is a lot of this matter that we have not taken up yet.

The CHAIRMAN. I did not know but what there might be something with reference to this particular matter.

Mrs. GREY. When I left yesterday I had taken up that letter which you have spoken about. I was going to make the statement that Mr. Reynolds was pretty closely connected with the selling of land, and I believe to the Lincoln Townsite Company, and I made a good many statements with regard to it. It is a very big subject and is not all on the surface by any manner of means, and I am not competent to handle it. I can take one or two instances to show the exact working of it, and I can show you evidence that what I say is so in that country.

Now, on the Yellowstone is a portion of land that at one time belonged to the Crow Reservation. I think this land was taken in the treaty of 1891. On this land there are two families whom I know personally. One is John Frost, who had to leave the reservation because Bair's sheep were on his land on the reservation. That is, on his family's land that is occupied there. He was right along in about 1892, on this Yellowstone, near Big Timber—between Big Timber and Grey Cliff.

Senator DIXON. This was on the old part of the reservation that was ceded many years ago?

Mrs. GREY. Was it not ceded in 1891?

Senator DIXON. I think so; but that has no connection with the present reservation.

Mrs. GREY. Yes. This land which was held as allotments, are they not still reservation lands? I think you will read it in the treaty of 1891.

Senator DIXON. It may be.

Mrs. GREY. It is still under the control of the agent. I think you will find that that is correct. Anyway the Indians so consider it, and you will find that they know the law mighty well and what the old treaties were.

Now, this land had become very valuable, and is right on the Yellowstone near Big Timber, and carries one of the finest water rights. Right next to this land is this family land, which I suppose consists of 500 or 600 acres—I do not know how many allotments there are. They are his mother's, and his sisters', and his own lot of land. This is the Miliken family, and is next to Big Timber on the Yellowstone. Mrs. Miliken and Mrs. Frost are sisters, and they all live there on the old allotment of 1882.

Senator DIXON. Are they half-breeds or full-blooded Indians?

Mrs. GREY. They are all half-breeds. Mrs. Frost's father was a sergeant in the Army, and they thought that as long as they were allotted so long ago that their patent must be large. So some of the county people here went to Mr. Frost, who is a very intelligent man indeed—he is supervisor of the school district, although he can not vote; he is an Indian and has no civil rights there at all, but he stands so well that they have elected him supervisor of this district—and said, "Now, these Milikens are going to be on the county in a short time as paupers unless something can be done; somebody has got to take care of his family." They are epileptics. They are related to those Milikens in St. Paul. As I say, they are epileptics. Their father died an insane epileptic in the insane asylum right in this district here, and the boys have had no schooling, and Claude's mind is rapidly failing, so much so that he lives with Mrs. Frost, and she is afraid to have him there with the children when Mr. Frost is not there, because he gets into these insane rages, and she is afraid that he will hurt the children. Frost, of course, has to support him. He has this piece of land that he rents for $50 a year—that is all he gets out of it. Mr. McCall and Doctor Cook and the First National Bank were responsible for making the offer, and Mr. Frost made it to the agent, I think.

Senator DIXON. The First National Bank at Big Timber?

Mrs. GREY. Yes; Big Timber. There were a number of people who wanted to have the arrangement made. They thought they had this land, and they thought they should be protected so that they could have the use of this land to support themselves with. They wanted the land sold and offered to pay $22,000 for this Miliken tract. This was a particularly valuable tract, because it carries the first water rights of the Yellowstone River, and when the Yellowstone is low there is not enough water to water the land, so that you will see that it is quite a valuable piece of land.

Senator DIXON. Now, Mrs. Grey, do not make that statement. The Yellowstone has enough water to water 1,000,000 acres.

Mrs. GREY. I meant to say the ditch there. Of course, there is plenty of water in the Yellowstone, but this carries the water right here. Mr. Reynolds would not allow the land to be sold. It went on

a couple of years, and they were getting worse. Mrs. Miliken weighs about 300 pounds, and is probably a helpless invalid. She is married to a man named Gaurdapa on the reservation. He got a calf in the round-up somewhere this spring that came to him that had his family brand on it, and he sold it for 50 cents. That shows what kind of a man he is. He is absolutely helpless. So there is really no one in this family who is in any way, shape, or manner responsible. The second time Mr. Frost attempted to get this deal put through to sell this Indian's family land for $22,000 and have a guardian appointed and have that money so that they could be supported and so he would not have to be supporting the family, and he could not do it.

Senator DIXON. What reason was given?

Mrs. GREY. None. He said it could not be done; would not do it, and it was not done.

Senator SUTHERLAND. Who said this?

Mrs. GREY. Mr. Reynolds. He went to Mr. Reynolds with it.

Senator SUTHERLAND. The agent?

Mrs. GREY. Yes, then a few minutes after this Mr. Reynolds sent for Claude Miliken and asked him if he wanted a whole lot of money and Claude said yes. He said "now I can fix it so that your land can be sold, but you must not tell anybody," and he said "if you tell anybody you won't get the money, and you will probably lose your land too." So Claude said he wanted to get the money, and he said "then you copy these papers that I will give you and I will see that it is fixed so that you can sell your land." So Claude copied the papers and Mr. Reynolds took them with him, and a little while afterwards a man named Tommy Ross, or Billings—do you know who he is?

Senator DIXON. No, I do not know him.

Mrs. GREY. He was in jail when I was there so I did not get a chance to meet him, but this Thomas Ross came to Claude Milliken and said that he wanted to buy his family lands, and that he would pay $9,000 for this land that he had already been offered $22,000 for.

Senator DIXON. Who made the offer of $22,000?

Mrs. GREY. This was made through John Frost.

Senator SUTHERLAND. Who is the brother-in-law?

Mrs. GREY. He is the cousin, and has to take care of Milliken.

Senator DIXON. Did John Frost offer the $22,000?

Mrs. GREY. No; he was the agent; the man through whom he was acting. He was, you might say, the agent for these people.

The CHAIRMAN. Do you know who made the offer?

Mrs. GREY. I gave the name. Mr. McCall was one, and John Cook, and the First National Bank were the others.

Senator DIXON. At Big Timber?

Mrs. GREY. Yes.

Senator DIXON. Not Billings?

Mrs. GREY. No; not Billings. So Ross told Claude Milliken that he would pay $9,000 for the land, and he got Claude to sign some papers. Now, Claude does not know what he signed, but Ross urged him, and warned him that he must not tell John Frost or anybody else, and he did not. Milliken went home. This was just before Christmas, and along, I think, in January, I was at Frost's place, and they did not say anything about this, but I noticed that Claude

was around, and Frost said, "Claude wants to speak to you; give him a chance." So Claude came to me, and I gave him this letter—you will find it in here—for Mr. Milliken. This letter came about Christmas time, and Claude brought me this letter. He said, "Now, this man has given me $15 on my land," and he said, "I wish you would find out what papers those were that I signed and what it all means." He said, "I do not dare to tell John Frost." So I went to A. L. Hatch——

Senator DIXON. The lawyer?

Mrs GREY. Yes. I told Claude to go to him and have Mr. Hatch look into the matter. Mr. Hatch said he would. Now you can see from that letter that there must be something back of that, and Mr. Ross does not want anybody to know exactly what is back of it, would you not say so, Senator Dixon?

Senator DIXON. I can not even give a guess. The letter reads as follows:

BILLINGS, MONT., *December 18, 1907.*

C. L. MILLIKEN, Esq.,
Grey Cliff, Mont.

DEAR SIR: Herewith find $5. Maybe later can send you $5 more. Wishing you a merry Christmas, I remain,

Yours truly, THOMAS ROSS.

Mrs. GREY. Now, Claude looked upon that as in some way a paper on his land, some way of holding it. He did not know what it was and I do not know what it is, but it is the man who attempted to buy this land and has these papers, and I think it would be a subject for investigation to find out the whole thing back of that.

Senator CURTIS. The Indian did sign some papers?

Mrs. GREY. He did.

Senator CURTIS. And he does not know what they were?

Mrs. GREY. No.

Senator CURTIS. Did the lawyer examine the records to see what was filed?

Mrs. GREY. No; I left about this time, but nothing has been done. I made inquiries and understand that Claude Milliken's name is posted up at the agency as applying for citizenship and the agent makes oath that he is a responsible citizen.

Senator DIXON. Milliken is an educated man, you say?

Mrs. GREY. He is an epileptic, and on the verge of insanity. He is absolutely unable to take care of himself.

Senator DIXON. And irresponsible?

Mrs. GREY. Yes; he reads and writes well, but he is a man who is in a very serious condition. Both of his brothers, one may be younger and one older, I am not sure, are in the same condition; there is epilepsy in the family. Their father died insane. Now, this is the kind of man that can get citizenship because they want his land. I think you will find that the Indians all through the reservation are getting their lands and getting it in this way. John Frost, who lives right there, has been trying to get a patent for his land and can not do it. Lewis Harrison has been trying to get a patent to his land and can not do it.

Senator DIXON. It was allotted in 1882. The twenty-five year period has elapsed, has it not?

Mrs. GREY. Yes.

Senator CURTIS. I suppose they are getting their patents under the Burke Act, forfeited by the Secretary of the Interior upon the recommendation of the Indian agent. I suppose that is the way the proceeding was had.

Mrs. GREY. There is another thing I would like to ask. These Indians believe if they take these Burke patents they forfeit all their tribal rights. Do you think so?

The CHAIRMAN. Not under any law that I know of.

Mrs. GREY. That is what those Indians understand, and they are afraid of those patents. It seems it is simply a matter of right and justice that these Indians who are living apart from the tribe, and who are good citizens and in good standing, wherever they are, who have their land so located that they know where they stand, have civil rights.

You take John Frost for example. He has good land; part of it is inherited and part of it is his own. He has a lot of land on the Crow Reservation where Bair's sheep are. The commissary department is on his land. They have been there a good many years. You see he is so hampered that he can not do very much. He has a very large piece of land and has 5 children and has made a splendid fight there to get along. He left the reservation when he could not stay there. He was driven off.

Senator DIXON. Who drove him off?

Mrs. GREY. At first he had trouble with Paul McCormick over a hay contract. Paul McCormick was furnishing hay to the Indians when Frost came along and went to Fort Custer. Frost said "why can not the Indians have this money for the hay contract instead of its going to Paul McCormick?" The Indians were farming the hay and bringing it there. When the time came to make a contract the colonel told Frost that if he would arrange it with the Indians—Plenty Coos is here whom he made it with—that if they would make an affirmative bid for this hay contract that he would give it to them. You know Paul McCormick?

Senator DIXON. Very well.

Mrs. GREY. Paul McCormick came there and talked to Frost—he knew nothing about it until he got there. He gave him $700 and said to Frost: "If you will just change two words in your interpretation, this is yours." Frost threw the money in his face and it fell on the ground, and the wind was blowing and it blew off and some of the officers came and picked it up; so it became known that Frost had thrown the money in his face and a lot of trouble followed.

Senator DIXON. When was this?

Mrs. GREY. This must have been seven or eight years ago.

Senator DIXON. It was at old Fort Custer?

Mrs. GREY. Yes.

Senator DIXON. That has been abandoned for twenty years.

Mrs. GREY. I do not think so, because Frost is not more than 35 years old. This was when he came home from school.

Senator DIXON. Mr. Reynolds, when was it abandoned?

Mr. REYNOLDS. In 1898.

Mrs. GREY. It probably would be about that time.

Senator DIXON. I asked you what drove him off the reservation?

Mrs. GREY. Then he went over and tried to farm; he dug his ditch out and they would not let him have the money.

Senator DIXON. Who would not?

Mrs. GREY. The agent would not.

Senator DIXON. Reynolds?

Mrs. GREY. Not Reynolds; it was before his time. There were white men on the reservation who wanted to use the water, and Frost, who is an Indian on the reservation, wanted to use it, and they broke down his dams and would not protect him, so he deserted this Sage Creek allotment and went down on Hay Creek, and as soon as he got there Bair put his sheep commissary there on his land.

Senator SUTHERLAND. Is that the case that the Supreme Court has just decided, holding that the Indians are entitled to prior allotment?

Senator DIXON. No, that is another one.

Mrs. GREY. But there was Sage Creek decision, and I think it is right in there.

Senator DIXON. A decision as to what?

Mrs. GREY. It was printed in one of the Helena papers and I spoke of it at the time. It was not that big case. Then he gave up and they have had the use of his land since.

Senator DIXON. Without any pay?

Mrs. GREY. He has never had a cent for this land.

Senator DIXON. Charlie Bair just goes in and takes possession of his allotment without any right?

Mrs. GREY. Not only the one allotment but his wife's and his five children's allotment are in there and he is using them. His commissary is there, and Frost has never got anything, and can not get anything.

Senator DIXON. Why does he not insist on his rights?

Mrs. GREY. He feels like most of the Indians, what is the use of trying to do it. He has asked for it. He tried to get some sheep; some man at Big Timber offered to stock him, and he was going to try to run sheep on his own land, and he tried to get some land around him but they would not let him. I do not know whether it was Mr. Reynolds or Mr. Edwards, but it was some agent at this time. I am not sure whether that was five, six, or seven years ago.

Senator DIXON. Do you charge that Charlie Bair took possession of this man Frost's land?

Mrs. GREY. I do.

Senator DIXON. He drove him off and never paid him anything for his allotment?

Mrs. GREY. Yes.

Senator DIXON. And refused to let him come back?

Mrs. GREY. No, he does not refuse to let him come back, but what is he coming back to? The sheep are on his land. Mr. Frost's address is Grey Cliff, Mont. He is school supervisor of that district.

Senator PAYNTER. What do you mean by driving him off?

Mrs. GREY. He did not take a whip and drive him off.

Senator PAYNTER. I suppose you did not mean that, but I wanted your explanation.

Mrs. GREY. But he put his sheep on his land so that Frost could not make a living there. He had one or two little children at this time and he went over to Big Timber and took the old family land on the reservation.

Senator DIXON. But Frost is an intelligent man, is he not?

Mrs. GREY. Yes; but he is recognized as an Indian among the people there, so much so that when he first got there there was an escaped criminal, and after they had followed the trails they went over in the night to Frost and said they believed an Indian was good at following a trail, and Frost said, "Yes, and if the scent is not too old I can follow the scent, too." He had a lot of unpleasantness and it was hard for him and his wife to stay there. I say that that man ought to have his patent and it ought to be arranged so that he can dispose of some of this large amount of land that he has and get enough money to buy himself horses, which he needs very badly at this very minute, and machinery to farm this piece of land that he has. As it is, he has lost a good deal of that farm and farms it under permits, and he says that this summer he will go up and work in the mines.

Senator PAYNTER. How many acres has he?

Mrs. GREY. I should say that he had control of all along the Big Timber, 700 or 800 acres.

Senator PAYNTER. Is it on the irrigation ditch?

Mrs. GREY. Oh, yes.

Senator DIXON. In order that you may not get a wrong idea of this matter, I will say to the committee that this is a part of the Indian reservation, and was opened years and years ago. It has nothing to do with the modern Crow Reservation.

Mrs. GREY. But this is the Crow Reservation. It was opened in 1891, and these people are under it.

Senator PAYNTER. What I was trying to understand was why an educated Indian with 600 or 700 acres of land is forced to go to the mines to make a living. I want to know why he can not make a living on his own land.

Mrs. GREY. Because when he went there he had nothing; he had to put a tent up for himself, wife, and children, and went to work in the field and managed to get quite a few head of stock and get a house put up. He is doing very well, but he would be very much better off if he had enough money to buy horses and machinery and buy things that he needs and farm the land properly. Instead of having 700 or 800 of land he would like to sell 150 or 160 and get the money for them.

Senator CURTIS. Under the law he has the right to sell all the inherited land he has.

Mrs. GREY. But it has to be advertised and sold to the highest bidder down at the reservation, and they do not trust the way the thing is sold.

Senator CURTIS. Under the law he has a right to file an application with the Secretary of the Interior, and if judged competent to transact his own business he can sell it.

Mrs. GREY. Senator Curtis, he has been trying to do that a long time. Could you arrange it, as long as it is the law, that he may do it?

Senator CURTIS. If he can make a showing as to his competency, it will give me great pleasure to present his application to the Secretary of the Interior.

Mrs. GREY. Will you do it, Senator Curtis?

Senator CURTIS. If you make the application with the proper showing, I will do it, certainly.

Mrs. GREY. I will do it. He is a school supervisor, and is a very good man.

Senator CURTIS. It is absolutely the law and I will present any case where any member of a tribe is perfectly competent and can make a showing that he is competent.

Mrs. GREY. I will do it so quick that you will have a long list to put in, and you will make this Indian very happy. It is just and right that it should be done.

Senator CURTIS. We passed a law to relieve just such cases as the one you have referred to.

Mrs. GREY. If you will just do that I will feel that my time has been well spent.

Senator PAYNTER. Is there a fence around his land?

Mrs. GREY. Oh yes, it is all fenced.

Senator PAYNTER. So he does not suffer from depredations from sheep and cattle?

Senator DIXON. This allotment that she is speaking of at Big Timber is 120 miles from the reservation, away up in the white settlement. It has no relation to this except that she said he had an allotment also on the present reservation—one at Big Timber, 125 miles east of the reservation, and also an allotment on the present reservation, which Mrs. Grey says he was driven from.

Mrs. GREY. Yes, that is where his family is.

Senator DIXON. Now, Mrs. Grey, he has 700 acres up near Big Timber with the first water right?

Mrs. GREY. He has the second water right. The Millikens, who are his cousins, have the first right.

Senator DIXON. That much land up there under ditch would lease for $2,000 or $3,000 a year?

Mrs. GREY. I know that.

Senator DIXON. Why don't he do that?

Mrs. GREY. He wants to live on it; it is his home. He is a competent man, and is competent to manage that land.

Senator DIXON. Does he farm it?

Mrs. GREY. Yes, he is gradually getting it in a condition to farm it the best he can. You must remember that he has a family of 5 children and started in with nothing but a tent. He did not have a fence up or a head of stock or anything else.

Senator DIXON. He is living up near Big Timber, down near the river?

Mrs. GREY. Yes, the river runs right through it.

Senator DIXON. There are 700 or 800 acres, are there not?

Mrs. GREY. Yes, and Milliken has some, and it is leased for $50 a year.

Senator DIXON. Seven hundred acres ought to lease for $2,000 or $3,000, raw land.

Mrs. GREY. He leases part of it; that is what he does. He does not want to do that but wants to farm it. He wants to dispose of a little of this land. What he would like to do would be to dispose of the land on the reservation.

Senator DIXON. Has he ever made any attempt to do that?

Mrs. GREY. He has tried over and over again. I will show you all the letters you want on that subject.

Senator DIXON. In what direction has he tried?

Mrs. GREY. Through Mr. Reynolds. I think his application is in now, is it not, Mr. Reynolds?

Mr. REYNOLDS. No, it is not and never has been..

At this point the committee took a recess until 1 o'clock p. m.

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

MRS. HELEN PIERCE GREY RECALLED FOR FURTHER EXAMINATION.

The CHAIRMAN. Mrs. Grey, you may proceed.

Mrs. GREY. In connection with this Milliken matter I want to make one connection with this land that I spoke of as being sold to the Huntley Townsite Company. I think this land, I think this man Ross, is the same man who bought the Huntley Townsite lots. He is a real-estate man in Billings, and is now under indictment for running a saloon and gambling place, which he is doing subrosa. I do not know whether he bought up the Huntley Townsites or not, but it proves that he did, I think it will show the connection between them, because the Huntley Townsite comes in in connection with the Lincoln Townsite Company, and I think this man has bought a good deal of land on the reservation, and it has been bought largely as the Milliken land has been bought.

Now with reference to this land off the reservation, I wanted to bring up the matter that they can not get their annuity money either. This man Lewis Harrison is on the allotment rolls. He has never had any annuity and has been trying ever since he was on the allotment rolls to get his annuity.

Now, you will see why he has not had his annuity. Milliken, who is a brother of this other Milliken, has not had any more annuity, and he has had no more, and I believe there are many other cases of this same kind where no annuity money is given; where no horses are issued. This lumber and this wire and all these provisions that are made are not given to all of the Indians. Some of the Indians can go there and get the same thing four or five times; for instance, the Indian at Lodge Grass has wire to fence his allotments two or three times and the wire laid there in a pile and was never used. Frank Gordon, who lives next to him—he is a white man and his wife is a half-blood Indian—can not get any. Frank Gordon has one of the best places on the reservation, and he can not get anything.

Senator DIXON. Why can't he get anything?

Mrs. GREY. Does the Department intend to give this wire to Indians who won't do anything, but let it lie and rust and pile up there to be a destruction to the cattle, or does it intend to give this assistance to the Indians who are trying to help themselves? That is the whole question. That is the case all through the Crow Reservation. Another thing, you can not take the issue books and say because Frank Gordon is accredited with so much wire or so much lumber,

that he has had it. You must do what Mr. Dalby did not do; you must check up the issue book with the Indian and find what is on the reservation, because these things are not on the reservation. I have been through there and I know they are not there. You can not simply take the record for that because the records, I will guarantee, the records are absolutely straight, I have no doubt of that, but the question is, have these things been put on the reservation, and I say they have not been.

Then there is another thing, and that is the way they compel the Indians to sell their lands whether they wanted to or whether they did not. I want to take up the matter of Lucy Old Horn and her affidavit. Now, this was a sworn affidavit taken before Mr. William M. Johnston, of Billings. You know him, Senator Dixon.

Senator DIXON. I know him.

Mrs. GREY. He is a good man.

Senator DIXON. He is a very decent citizen, that is my impression of him.

The CHAIRMAN. You had a letter here this morning that Senator Dixon read. Do you want to use this affidavit as a part of your case?

Mrs. GREY. Yes, the affidavit of Lucy Old Horn. This is to show that the Indians do not sell their land voluntarily; they must sell their land when the agent says they must, and then they have got to sell it.

Senator DIXON. How can a live Indian sell his land.

Mrs. GREY. Whenever the agent says that he is a competent Indian to become an American citizen he can make application and get his land, if any.

Senator CURTIS. But he does not have to make application unless he wants to. We put in the law especially that they could not compel an Indian to sell unless that Indian filed an application.

Mrs. GREY. Suppose an Indian does not want to sell his land; suppose he is on the reservation with a family and can not get anything to do, what is the Indian to do?

Senator CURTIS. He will live like the other Indians do. The fact that he sells his land does not do him any particular good.

Mrs. GREY. He can not do anything. He has his children in the schools. Suppose they want to compel that man to do anything; they have thousands of ways to compel him. They can put him in jail and say he is drunk. I am going to refer to the intimidations and show you how they are compelling the Indians to do things whether they want to or not.

Here is Lucy Old Horn's affidavit, and this is the statement of Lucy Old Horn, who, when the grand jury was in session in Helena, went to Mr. Fred Miller, the clerk, and said to him that she wanted to find out something about some dead allotments or something, and he would not tell her. She said, "all right; I am going to Helena and am going to tell Mrs. Grey all I know." She started to come and she was put in jail under sentence of ninety days.

Senator CURTIS. On what charge?

Mrs. GREY. This is the charge.

Senator DIXON. Was it an agency jury or a civil jury?

Mrs. GREY. The civil jury at Billings. I saw Sheriff Webb and we went to a number of them and tried to get her out, and it sim-

mered down to this, if Mr. Reynolds wants her to come out she can come out, but if he wants her to stay in she will have to stay in.

Senator DIXON. What was she convicted of?

Mrs. GREY. I will read Lucy Old Horn's affidavit.

This woman told F. Miller, clerk at Crow Agency, that she was going to Helena and tell me what she knew. She, instead, got a ninety days' sentence in the Billings jail. This affidavit was corroborated by Doctor Clark and Under Sheriff Hubbard of Billings.

STATE OF MONTANA, *County of Yellowstone, ss:*

LUCY OLD HORN, being duly sworn, deposes and says:

Grace Long Ear is daughter of Big Medicine, chief of police. She is about 25, and lives at the agency. Big Medicine is brother of my husband, Old Horn.

When I first know about this Grace told me she is in family way, and three months gone. She said her mother want her to get rid of that child. Grace done that three times: her father and mother know it and want her to. Grace tell me she want to ride with me to Mrs. Hairy Wolfe's so she can do that for her. Mrs Hairy Wolfe do that [abortion] all the time. She get pay for it and does it without anybody knowing it. Grace got in our wagon and we got half way and we meets Mrs. Hairy Wolfe riding in her wagon. Three Iron's mother and Grace went with them to Mrs. Hairy Wolf's home. Grace didn't stay with Mrs. Hairy Wolfe, but just go there so she can do it. Tillie Withers-brother was with Grace, and went with us from the agency to Mrs. Hairy Wolfe and staid with Grace at Pretty Paint's house. Pretty Paint is brother of Grace's husband, Ben Long Ear.

About a week Grace lost her baby, about 3 months old. Then Grace and Tillie comes to my house and Grace felt sick. She told me all about it. Two or three days after Mrs. Hairy Wolfe came to my tent and Grace gave her Nez Perce bag and some money and bluish kind of a quilt to pay for doing that [abortion]. Ben Long Ear was there and he was mad about it, that Grace done that, but he is just like a slave, can't do anything because Big Medicine is boss. Big Medicine send for Grace and Ben and they went back. Grace got very sick.

My husband and I run stage when land thrown open, so we know lots of white people and we go to see some across the river. Other Medicine come in big hurry and say "Big Medicine and Grace want me to come and take Grace to Billings 'cause she very sick." So I went to the agency. Doctor Fanning come in and Grace told him she lost her baby. I guess he knew all about it; he's such a saucy old crank nobody likes him. He don't ask what the matter with us, and he won't let us come to his office for medicine. Grace said "This agency doctor can't help me; I going to die." Big Medicine there all the time, but Indians there talking loud about Mrs. Grey's trial, and Grace suffering bad, and she saying "My father don't care for me; he don't care if I die." The agent come to see Grace, and she want him to get a white doctor, but he won't let her. She told him all about it. He say "the agency doctor do just as well." I telegraph for Doctor Clark at Billings. He came right off. We didn't tell him what they was doing. He made her better, and said when Grace is able she must come to Billings so he can cure her. Grace want me to come along with her and Ben Long Ear. Mr. and Mrs. Burgess come to see Grace and they know all about it. Big Medicine got permit for us to come to Billings. We stayed at L and L. Doctor Clark came to see Grace. About a week later when Stray Calf came. Grace was suffering and I sat up all night and went for Doctor Clark about 3 or 4 o'clock. I didn't know the way and asked policeman to get me a doctor, and he telephoned to Doctor Clark and he come. I don't know where Austin Stray Calf was; he wasn't in room at all when Indian policeman come, and he asked, "Where's Austin?" and I said, "I guess he's around somewhere," and they went out and brought him in the room. I asked the Indian policeman what he wants of Austin, and he says he's going to take him back to the reservation because he got no permit. Austin want to go back that night, but policeman say he take him back in morning.

The same night, when policeman gone, I went into Austin's room, right next to Grace's, to see if he is arrested, and when I asked him (I was there only two or three minutes and Grace knows that), white policeman came and knocked. We scared and put out the light. The policeman asked me what I doing there.

and I tell them and they git into Grace's room and are going to arrest Ben because they don't know the right man. They tell Austin he should come along, but we don't know he's arrested, we thought they was going to send him away on the train. Next day Big Medicine come. He talked nice to me and he don't tell me they going to arrest me. A white policeman kept looking in and about 9.30 in morning he say "The agent is come and want to see me." I come up and they took me in the office and nobody tell me I was arrested. The agent asked me if I had a trouble, and I said "Yes." He said "It's too bad." He didn't say anything else, and they take me into a big dark-like room, and I didn't know it was a court till Mr. Hubbard told me so, when I got to the jail. They brought Austin in that room where the big fat man is, and he took out a book and read something, and such big words I don't know what he is talking about. There was nobody there but Austin and me and the agent and maybe a policeman and the big fat man, and he asked us to stand up and we did, and he said "Are you guilty?" and I say "Yes, sir," and Austin didn't say anything. We big crazy people and we don't know they was after us. I don't know I was arrested. Agent don't say a word to me or explain anything.

LUCY OLD HORN.

Subscribed and sworn to before me this 15th day of February, A. D. 1908.

[SEAL.] W. M. JOHNSTON,
Notary Public in and for Yellowstone County, Mont.

STATE OF MONTANA, *County of Yellowstone, ss:*

LUCY OLD HORN, being first sworn, deposes and says:

About three years ago, when I knew it was about time for agent's time to be up, I took around a petition to get him put out. We told the agent about it—that Hogue was an honest and good man, and we wanted him for the agent, because we knew Reynolds does lots that he hasn't right to do. Agent said, "Let him take a petition himself," because he don't want us to help him any. Hogue he said he don't want to do that, but when we ask him that, he's willing to be agent if he gets appointed.

Two Leggins and Sees With His Ears and I went to ask the agent, because we knew he wouldn't like that, and try to get us in trouble. Big Medicine got scared because he thinks he will lose his job if the agent get put out, so he sent for Holds His Enemy to get that petition to make the agent stay. He told Holds His Enemy that all the Indians took up a big petition for Reynolds to stay. He told a big lie, and Holds His Enemy didn't know anything about the petition, and he's very easy to fool. He went home and took a petition for to keep the agent. He didn't get but a few names. I guess Sees With His Ears get those petitions yet.

You know we can't even find out what they do in the office. The agent and Miller and Frank Shiveley they do just what they want to, and when we try to ask questions and find out they put us in jail. Most all the Indians, children and women and men, signed our petition, all but at Big Horn, where we didn't get to yet. Hogue left some groceries and things in the section house at Fort Custer, and when the Indians get hard up and have no money or grub and can't get anything, he always help the Indians out, because he is a good man. The agent put him off before the petition, and now running a hotel at Pryor Agency.

[Note of H. P. G.: I believe Reynolds presented a large petition from the Indians, on the strength of which he was reappointed. Holds His Enemy is a chief in the Big Horn district.

He told me the same as Lucy says with regard to his part in the matter. I believe that if Mr. Reynolds presented any petition signed by the Indians, he used the petition of Holds His Enemy and to that added the names on the petition of Lucy and Two Leggins.]

LUCY OLD HORN.

Subscribed and sworn to before me this — day of February, A. D. 1908.

[SEAL.] W. M. JOHNSTON,
Notary Public in and for Yellowstone County, Mont.

That explains how she got into jail and that is the charge. This is her statement.

Senator DIXON. What is the charge against her?

Mrs. GREY. They say she was living with Stray Cat. I went to Doctor Clark and he said she was not; she was in one room with Lucy Old Horn, taking care of her, and Stray Cat was nowhere around.

Senator DIXON. That she was living with Stray Cat at Billings or on the reservation?

Mrs. GREY. At Billings. It was the Society for the Prevention of Vice that was supposed to have arrested her. I took this statement and went to Sheriff Webb and the district attorney, and William Johnston and Doctor Clark, and they all corroborated Lucy's statement and said they wanted her taken out of the county jail. Stray Cat is still in jail.

Now this is only one instance and this happened to a woman. I wish you could know all the circumstances connected with this matter. Here is another affidavit of Lucy Old Horn:

STATE OF MONTANA, *County of Yellowstone, ss:*

LUCY OLD HORN, being first duly sworn, deposes and says:

That the land of Two Persons, father of Big Medicine and Old Horn, was sold, one of the first allotments. The land is near Custer. They believe it was sold for about $1,000. Old Horn did not want to sell and refused, but was called to the agency two or three times and told by Reynolds that he must sell. He still refused to sell, but Reynolds told him that he must sell, as Big Medicine wanted him to. I think he signed, but he never got any money.

LUCY OLD HORN.

Subscribed and sworn to before me this — day of February, A. D. 1908.

[SEAL.] W. M. JOHNSTON,
Notary Public in and for Yellowstone County, Montana.

Senator DIXON. Was this a dead Indian allotment or his own?

Mrs. GREY. No; this was a dead Indian allotment. Big Medicine is here. He is a brother of Old Horn. Big Medicine is supposed to have $10,000 or $15,000 in dead allotment money, and Old Horn, who is his brother, has nothing. What is the reason that Big Medicine has the money and his brother has not? They inherited from the same source, evidently.

Senator DIXON. It may be children's money.

Mrs. GREY. No; they have no children. Here is their pedigree, contained in another affidavit of Lucy Old Horn:

STATE OF MONTANA, *County of Yellowstone, ss.:*

LUCY OLD HORN, being first sworn, deposes and says:

Crane Wing, or Crazy Crane, died twenty years ago. He had allotment on ceded land, right near Fort Custer, I think first allotment next to line. Crane Wing had one son named Medicine Pipe, and his wife, Not a Pretty Woman, was already dead. Medicine Pipe died twelve years ago. He had one little girl, Annie, who died three years ago in April, I think.

Annie's mother, Medicine Pipe's wife, Looks at the Horse, ran away with Bear Dont Walk about two years before Medicine Pipe died. Annie was in school, but went to her mother before she died, and her father was dead then. Looks at the Horse was married first to Bill Hawk, and got a daughter, Lucy Hawk. She left him and married Medicine Pipe. She left Medicine Pipe and married Bear Dont Walk. She was not married by license to Hawk. Lucy Hawk married Frank Shively.

When the land was sold, Looks at the Horse and Lucy Hawk got the money, and I think they signed the name to have it sold.

Crane Wing had a sister, Mrs. Two Persons, who had three children, Big Medicine, Old Horn, and Little Magpie. Little Magpie married Josh Buffalo, had one child a year old, dead.

Crane Wing had no children but Medicine Pipe. The others were stepchildren.

LUCY OLD HORN.

Subscribed and sworn to before me this— day of February, A. D. 1908.,

[SEAL.] W. M. JOHNSON,

Notary Public in and for Yellowstone County, Mont.

You see it was not given in the direct descent. You will understand then how this sale of dead allotment is used to corrupt the Indians. An Indian who will do what the Indian wants him to can get the dead allotments; if de does not, he cannot get the dead allotments. This is what occurred on the Crow Reservation; it is not the law or anything else. That is just one instance, and if I wanted to take up your time I suppose I could give you 100 instances of the same sort of thing. I would make this suggestion—that if you do go into this matter that you get the Land Office and the agency record of lands and find out what the Indian paid for the land, how soon it is sold again, and at what price it is sold for again. You will find that they buy it for hundreds and in a little while sell it for thousands of dollars. The Indians must sell this land; they have to do it.

Now, do you want me to go into the forms of intimidation and how that is accomplished on the reservation?

The CHAIRMAN. You may go into anything that throws any light on this investigation.

Mrs. GREY. Now we will take Frank Shively. He is the Indian who is here. He is a refined, well-educated Indian. You will see him, and in every instance, if he had had any kind of chance he would have been a decent gentleman.

He is a student of Carlisle and I think he was a graduate of Carlisle. He told me much of this himself secretly. I think a great deal of Frank Shively. His attitude here is very different from what his attitude would be if he were allowed to do what he wants to do. Frank Shively came on from school. He is a graduate of Carlisle. He is not strong—that is, he is not an athlete or a robust man, but he was a good student in Carlisle and he came home filled full of General Pratt's idea that he would come back to his own people and take his place as an educated man. He came back home and the only position that was open to him was work on the ditch at $1.25 a day. He did not want to become a Government employee, because among these Indians the man who becomes a Government employee is immediately looked upon as a dishonest man; he is an outcast from his people, and that is true on the Crow Reservation; I do not know whether it is true on other reservations or not. Frank did not want to take that, and consequently went to work with pick and shovel in a ditch, I think for two or three weeks, and ruptured himself so that he will be a cripple as long as he lives. Frank was either at this time married or engaged to be married to a girl who was a graduate of Carlisle, and she is as sweet a woman as you could meet anywhere. I have been at her house and I know. They have a very pleasant pretty home, and three of the very finest children you ever saw. Now, as Frank has said to me, " I can not go out on

the reservation and live as a blanket Indian; if I do I kill my wife and children. I have got to stay here and do what I am told to do," and he is doing it.

The CHAIRMAN. Where is he?

Mrs. GREY. He is the man——

The CHAIRMAN. Just state where he is.

Mrs. GREY. He acts as property clerk on the reservation. I think he gets $75 a month, and they have a little house at the agency where they live.

Senator SUTHERLAND. He has been in the employ of the Government?

Mrs. GREY. He has been in the employ of the Government all the time since he made this attempt to go out by himself, and he gave in and took what came to him.

Senator BROWN. In consequence of that he is now looked upon as a dishonest man?

Mrs. GREY. Yes. If you could only know Frank himself! This is one of the most pathetic stories I ever heard in my life.

Senator DIXON. He is holding a good job, is he not?

Mrs. GREY. Yes; he is holding a good job, but he is dishonorable and dishonest and he knows it. He said " whenever I get to thinking of conditions I go out and get drunk."

Senator DIXON. And he holds his job at the agency?

Mrs. GREY. Yes; I have seen him under the influence of liquor. His face has been all flushed, right there at the reservation, which proves that he must have whisky on the reservation.

Senator DIXON. Did you ever see him drunk?

Mrs. GREY. Yes, sir.

Senator DIXON. At the agency?

Mrs. GREY. Yes; he came to my room one night when I was staying at the school, and Frank was drunk. I am not stating anything that is not true. It is well known.

Senator DIXON. Of what does his grievance consist? He is holding a $75 a month job, and where does the cruelty come in in his case?

Mrs. GREY. In that he has sold his manhood.

Senator DIXON. In what way?

Mrs. GREY. In doing dishonorable things.

Senator DIXON. What kind?

Mrs. GREY. Misinterpreting when the Indians came to the agency, as he did when Plenty Coos came to Washington when he made the lease for Charlie Bair and misinterpreted for Plenty Coos in such a way that it fooled people here so that the lease was given to Charlie Bair instead of Murphy.

Senator DIXON. Who knows that he misinterpreted that?

Mrs. GREY. When Plenty Coos got home he had these letters, and when he was in Billings—you have it in your letter, I think, that you were just reading; that is from one source that you get it—Plenty Coos came to Billings at this hearing and he said he wanted to be sure and have those men whom he brought listen to every word he said, so that when he came to Washington he got his speech and when it was read to him went back to the reservation and said that many things he did not say were in that speech and many things he did say were not there.

Senator DIXON. Then you base your charge that Shively misinterpreted at that time on what Plenty Coos said?

Mrs. GREY. On what Plenty Coos said, and what he came here to do, and on the fact that this is done continually on different reservations.

Senator DIXON. This is the only reservation you were ever on you say?

Mrs. GREY. I have been in Washington, Senator Dixon, for nearly a month, and nearly all that time have been studying up Indian matters.

Senator DIXON. How do you know about misinterpreting by other people on other reservations when you have never been there and have never seen them?

Mrs. GREY. Shall we go into this. If you want it later I will bring you a whole lot of things, but it is a long matter and is a digression. I think anyone who has had much to do with Indian affairs will say that that is a thing that is often done.

Senator PAYNTER. I would be glad to hear you state whether or not Shively has ever told you that he had been doing dishonorable things and expressed his mortification that necessity required him to do it.

Mrs. GREY. Yes, sir.

Senator DIXON. What were those dishonorable things that he told you he had done?

Mrs. GREY. Misinterpreting at the agency.

Senator DIXON. In what special case, if you recall?

Mrs. GREY. There was one case when Mr. Dalby was making the investigation and I had said that the Indians were not allotted over on this ceded strip unless they agreed to sell their allotments. Frank was acting as interpreter that day. He is not the regular interpreter, but is often called on to act. There was a man by the name of Big Sam Davis, of Billings; his father is George Reed; you know him; I saw a letter that you had written to him when he could not get his patent.

Senator DIXON. I remember the name.

Mrs. GREY. This is his eldest son. I think he is a Carlisle boy, anyway he is an educated Indian. When they were making this investigation Sam was at the agency; he has been put off of the reservation and has not been able to go back until just now. He went back and Mr. Dalby was investigating a woman who came from this district, and Mr. Dalby said to her "Did you agree to sell your allotment before Mr. Rankin allotted you there?" Mr. Shively interpreted it, "Did you agree to survey your allotment before you were located there?" Naturally, she very indignantly said "no, I did not."

Senator DIXON. Who told you this?

Mrs. GREY. Sam did himself.

Senator DIXON. Did Shively admit to you that he had misinterpreted?

Mrs. GREY. I have never had the chance to talk with him since then.

Senator DIXON. What specific things has he admitted to you that he has misinterpreted?

Mrs. GREY. This matter when he was in Washington.

Senator DIXON. Did he tell you that he had purposely misinterpreted Plenty Coos's talk?

Mrs. GREY. He said he had to do the things that made him wish he were dead when he was here. Those were his words, and I put that into the statement that I made when I was here that was given to the President.

Senator DIXON. When was that that he was here?

Mrs. GREY. It was about two years ago. Those are the papers which Secretary Garfield said he would get and have here.

Senator DIXON. Who was present here at that time with the delegation?

Mrs. GREY. Plenty Coos and Big Shoulder and Frank Shively were the Indians, and Mr. Edwards and Mr. Bair came with them. Mr. Reynolds came with them as far as Omaha.

Senator DIXON. This was John Edwards, the old Indian agent?

Mrs. GREY. Yes, sir.

Senator DIXON. And Charlie Bair?

Mrs. GREY. And Charlie Bair. At the time Charlie Bair got the lease, this was.

Senator DIXON. Who made Shively misinterpret at that time; on what things did he tell you?

Mrs. GREY. What would you think? I do not know; I was not here. I can only draw my inference. Whose interest was it to make him misinterpret?

Senator DIXON. I do not know. I am asking for information.

Mrs. GREY. Well, the Indians had the council asking that the sheep be removed from their district and cattle be put there. That was what the council asked for, and they asked Plenty Coos, Big Shoulder and Henry Russell to come here to do it. When they came, Henry Russell, who was coming as interpreter, went to the agency and they sent him back from the agency and in his place substituted Frank Shively.

Senator DIXON. Who did this?

Mrs. GREY. It was done by the agent, I suppose. It was done at the agency.

Senator BROWN. But it was done anyway?

Mrs. GREY. It was done anyway, and Henry Russell came home and Mr. Blair wanted to keep his sheep in this district; he did not want them taken off and naturally it was to his interest to see that Plenty Coos did not say just what the Indians wanted him to say when he came here. Don't you think it was, if he wanted to keep his sheep there? He went to considerable trouble to come all the way to Washington with these Indians, don't you think he did? The records show that Plenty Coos's speech asked to have Blair's speech copied here. The things that he had come to say he did not say. The things he told the Indians he had said when he got home he did not say.

The CHAIRMAN. That is by the records?

Mrs. GREY. By the records. He said something very different and Charlie Bair benefited by the misstatements that were made. Frank Shively was interpreter. This letter must have been written by Frank Shively, or at least it must have been interpreted to Plenty Coos by Frank Shively, and must have been the means by which that letter was put into existence in the Department.

The CHAIRMAN. Was this conference held over at the Indian Office?

Mrs. GREY. It was held here in Washington; I do not know where it was held, but the records will show.

Senator DIXON. You do not know who was present?

Mrs. GREY. No; but the records will show that. That is what Secretary Garfield would have here—those papers. When Plenty Coos came to the grand jury to protect himself from these very things the Indians chose the interpreter who should come with him and this interpreter wrote a letter—at least Mr. Sniffen wrote it for him. I wrote the letter on my machine and Mr. Sniffen signed it. In the letter Arnold Costo said that he had come, having been sent by his people. A copy of the letter we can procure. He said he came sent by his people to protect Plenty Coos from any misrepresentation, and that letter was presented to the grand jury.

Senator DIXON. Is Plenty Coos afraid of Shively's interpretations just now?

Mrs. GREY. He must be after his other experience. Frank Shively was not in Billings at this time. Alec. Upshaw and Carl Leiter were the two interpreters that they intended to use. Those are the two who are now brought here—at least, I suppose Upshaw is here; he was to have come. He gets drunk pretty often.

Senator SUTHERLAND. There is one statement that you made that I did not quite understand. I understood you to say that Mr. Shively was called in as interpreter on one occasion when an Indian woman was being examined with reference to her allotment?

Mrs. GREY. Yes.

Senator SUTHERLAND. That the question propounded to her was whether or not she had agreed to sell her allotment before it was made.

Mrs. GREY. Yes.

Senator SUTHERLAND. And he interpreted to her as a question whether or not she had agreed to survey the allotment before it was located.

Mrs. GREY. Yes.

Senator SUTHERLAND. I do not quite see the significance of that. What is the point with regard to the substitution of the word "survey" for the word "sell"?

Mrs. GREY. The charge that I made here was when Colonel Rankin was alloting these Indians he grouped all the dead allotments which could be sold, which we talked about yesterday—could be sold to the Lincoln Townsite Company on the east side of the Big Horn. He was investigating that subject, and they had this woman who had land over there and had sold it and Mr. Dalby was trying to find out whether she had agreed to sell that land before it was allotted, and she understood he was asking her whether she agreed to sell it, or "did you agree to sell it."

Senator BROWN. The purpose was to get a negative to the question.

Mrs. GREY. To get a negative—a very emphatic denial.

Senator SUTHERLAND. Do you understand that in reality that she agreed to sell her allotment before?

Mrs. GREY. The fact is that these allotments have been sold. Now, you can make any deduction from that that you want to. Now, there was another thing that came in right there. They had no

irrigation on this land, and it is very good irrigable land, and they wanted an irrigation proposition put in there for the purpose of irrigating this land. I think this was the land that your bill covered—these settlers down on the ceded strip and not toward Forsyth.

Senator DIXON. The bill we passed four years ago?

Mrs. GREY. No; this last one.

Senator DIXON. What bill was that?

Mrs. GREY. To allow them to mortgage their homesteads.

Senator DIXON. That was for the settlers?

Mrs. GREY. But is it not right in that district there?

Senator DIXON. I think it is somewhere near Hardin.

Mrs. GREY. That is exactly the place. That was one of the very best bills that was ever passed. If you will take this statement when we get it you will see a statement that I made in that, that this land was all being acquired now by the Lincoln Townsite Company under the townsite of Hardin. They wanted to get all of this land down here and put it under irrigation. You will see that I made this statement in my charges of a year ago.

Senator DIXON. Who wanted to get this land? There were 400 or 500 settlers, I remember.

Mrs. GREY. Yes; but the Lincoln Townsite Company wanted to get this land, and wanted to get these dead allotments that were sold last May, in order that they could have the majority of votes in this district so that this irrigation ditch that Charlie Bair came to Washington about—he was going to put the ditch in for $30 an acre—might be put in. You know that?

Senator DIXON. I never had any talk with him.

Mrs. GREY. My informant on that matter is Mr. William E. Johnston, of Billings. He is one of the men who have bought dead allotments down in that district and he was going into it. I made the statement when I was here a year ago that the Lincoln Townsite Company needed this land in order to get the majority of votes to put this irrigation scheme through. Charlie Bair said he would put the irrigation scheme there for $30 an acre. He had said quite a little. There had been quite a lot of talk around there, and the settlers said we won't pay him $30; we will find out about the matter. They had a meeting down there and they got Mr. Shepherd—he is from Minnesota and is an irrigation man—to come there. He came and the settlers down there held this meeting and he said he could put the ditch in for $6.75 an acre. That of course spoiled Mr. Bair's scheme. I do not know how it was, but they had to have some ratification here in Washington, and Mr. Bair could get the ratification here and Mr. Shepherd could not. The settlers wanted $6.75 an acre and Bair wanted to get $30 an acre, so they united and Mr. Johnston said they were going to pay the two men now working together $16.75 an acre, and in order to raise this money you will find that the bill which was put through was to protect the settlers against Charlie Bair.

Senator DIXON. I know nothing about who they were dickering with. They petitioned here to be permitted to mortgage their homestead entries. That was the bill I introduced. Mr. Hogan, their attorney, came here, the attorney for the settlers.

Mrs. GREY. I said a year ago that this thing was going to be, and this was the statement I made. Now, you will find in what has hap-

pened in the last year that the statements I have made here must have had some foundation in fact. Do you see what I mean?

Senator DIXON. No, I do not gather what you mean. You say your statement made a year ago had something to do with something that has happened now. I confess I do not gather what you intended to convey.

Mrs. GREY. Those papers have not come from the Secretary's office, have they?

The CHAIRMAN. What papers do you refer to?

Mrs. GREY. The papers that Secretary Garfield was to furnish. Mr. Dalby absolutely denies that there is anything in what I say—they all deny it and say it is not so at all. I have not been able to get at the thing, and I am giving it to you in a blind sort of way because I can not give it any better, but I am simply giving it to you to use. It is not a finished investigation, as I said before. But my statement does read like a magazine article. Mr. Leupp says the situation is different.

Senator SUTHERLAND. Is that land better than it is elsewhere?

Mrs. GREY. It is a beautiful piece of land; far better than it is on the Huntley project.

Senator SUTHERLAND. And your statement is that whenever the Indian answered that he intended to sell his land he was put there, and if he answered that he did not intend to sell it, he was allotted elsewhere on lands that were not as good as they were there.

Mrs. GREY. Yes; they were as good as they were there, but what I wanted to say was that they bunched a very fine piece of land in such a way that it could be sold.

Senator DIXON. They bunched allotments up there?

Mrs. GREY. Yes; so they could be sold, and it was sold. The Lincoln Townsite Company got it, or the people who had it. The Lincoln Townsite Company was acquiring this land as the majority of the votes of the land owners of the district were there—is that not right?

Senator DIXON. I do not know a thing about it. This bill that this committee directed, permitting the homestead settlers——

Mrs. GREY. Was to protect these homesteaders against the very people who Charlie Bair had represented, and the very fact that Mr. Johnston said they were to put in the ditch, not for $30 an acre, but for $16.75 an acre, shows that there must have been a little bit in this; don't you think so?

Senator DIXON. Then my bill was a meritorious measure?

Mrs. GREY. Indeed it was; it was one of the best bills that was ever passed. It cost Charlie Bair $260. Now here is the statement that I made a year ago. Now you will see that the things as they have developed in the year previous, proves that what I say is true there, because that very thing did come up.

Senator DIXON. In fact the settlers petitioned to have the price of their homesteads reduced, and I told them no; that I would not stand for that because this was Indian money and the Indians had to get the original price fixed. Congress had no right by any act to voluntarily reduce the price that they had agreed to pay. It was suggested to them that they go over and see Mr. Leupp, and if they could not get their ditch and live there the best way was to get Congress to permit them to live there so as to be able to dig the ditch.

Mrs. GREY. It is beautiful land in there, the Huntley project. Of course they say it cost $30 to get water from the Huntley project. That is a mere bagatelle, according to Government reports.

Senator DIXON. Do not give us too much credit. I understand the Secretary has made an adverse report and the House would not pass it.

Mrs. GREY. I do not doubt that he has made an adverse report. I will not go into the forms of intimidation that are used on the reservation now.

You say you wonder why these Indians did not get their allotments and do things as they should do. Take George Pease, for instance. He is here and you will have a chance to see him. He is a mighty decent Indian——

Senator DIXON. I thought you said yesterday he was a bad Indian.

Mrs. GREY. I said he was a bad Indian since these miserable, degrading things of the Interior Department and the Indian Office have put him where he is. It is the most abominable thing, and if the people knew just what the Indian Department is it would not exist to-day.

Senator DIXON. I thought George Pease told me since he was here that he ran a little store over there?

Mrs. GREY. He has a little store at Lodge Grass and the Indians are eating him alive. If any Indian comes there hungry Mrs. Pease will give him all she has.

Senator DIXON. Does not George Pease have an allotment that he leases?

Mrs. GREY. He has an allotment that he leases to Frank Henry, and George told me since he has been here that Frank Henry agreed to pay him for the whole allotment—I think he has got 7 or 8 children whose lands are in this lease. Frank Henry is paying him and his wife and is not paying for the children's land.

Senator DIXON. What does he pay?

Mrs. GREY. I think he was to pay $1,200 a year for his place; for the allotment, that is. When you take out his children's land you see that would very much reduce that, and the question is, where does George Pease get all of his money. He is a cripple, and so far as I can see he has no source of income except this little store and this allotment. He has a family of children and they live very extravagantly, very well indeed, and I will guarantee that George Pease comes out with his store behind instead of ahead. They are that kind of people. Now, where does he get his money? George Pease, when he went to the Crow Reservation, was president of the Crow Indian Lodge. When the Indians began to make this stir against the sugar-beet proposition something happened to George Pease, nobody knows what it was, but the Indians immediately lost full faith in him and said that Reynolds had got hold of him; that he was a spy for Reynolds, and they turned him out of the lodge.

It was just about this time that Mr. Henry was making his leases with George Pease, and it was just annuity time, or the time to pay annuities; so Mr. Reynolds sent for George Pease and told him to come over to the agency, that he wanted to see him. He went over there, and Mr. Reynolds told George to go over to Billings and see Frank Henry, who was up there, and see about signing these leases,

and whatever agreement they came to Mr. Reynolds was willing to agree to, and gave him his annuity money. He gave this about ten days in advance, and he gave other things to him, and his wife's and his children's annuity money—probably $100 or over, and George went to Billings with the money. I suppose Henry must have been there, as they were going up there to make this lease. George went on an awful debauch there; he was as drunk as he could be and started home and got to Tokna and got off there—there is a little saloon there where they can get whiskey, and he got off there and got some more whiskey, and the station agent at that place telegraphed to come and get his Indian, because they did not want him to die there. So George Pease came home. I do not know whether Mr. Reynolds sent for him or not, but anyway Mr. Reynolds had at this time come to Lodge Grass to pay his annuities and George Pease came up on the same train with him. I was staying at Lodge Grass, and late that night George came to the house. He was in a state of what I supposed was whiskey pneumonia; he was cold and had rigors and his head was burning, and he could not speak out loud. He was in a state of collapse, as I say, from dissipation. He was not in the habit of going to Gordons, he had not been there before this for four years, but I was staying at Gordons. This was the beginning of everything against me; this was the first I saw of anything. George came there that night and they all thought he was going to die, having no idea he would live until morning.

He said he had been drinking and asked if there was any way to get a drink of whiskey. He said if he could get a drink of whiskey he would be all right, and if there had been any way to get it in that country he would have had it that night. Early in the morning we went with a hired man over the hills to get Mrs. Pease and had her come over there. George got better, and after I left Joe Cooper was staying at Gordon's too; they were all waiting for their annuity money to be paid. That is the way they all came to be there. George Pease was begging for this whiskey, and said "now I have a gallon of whiskey down at the station", and he begged us so hard that Joe said "I will go and get it." They thought that George was going to die with delirium tremens, and if he could get this whiskey it would help him. Joe brought the whiskey up. Mr. Reynolds was at this time paying annuities. George Pease I think never comes to the reservation that he does not bring whiskey; it is a regular thing. They go and buy a few groceries and then they ship the whiskey in by express with the groceries. George brought this gallon of whiskey up to the Gordon. I told Mrs. Pease that they had the whiskey and were going to get it. That was the reason I went in such a hurry, because whenever George gets the whiskey Mrs. Pease will break the jug. Now, Mr. Reynolds was right there in Lodge Grass and knew that George had been on this spree; he knew he was drunk, and he knew it was common talk there, and he might have known, as all the Indians did, that he had come to get drunk, because they knew that George would always bring back whiskey. There were a lot of them there, but Mr. Reynolds did not know this evidently, and he told Joe Cooper, as George was so very ill, that he had better go and get Doctor Tucker to come down and attend him, so Joe went to get Doctor Tucker, and

he came and heard the story and said "I am not going there," and went back.

He did not go to see George, and I suppose it was because he understood what was going to happen. When I was in Billings with Mr. Reynolds I said to him "Why don't you like Frank Gordon; what is the matter with him?" He said "He has always got whiskey around his place, and I am going to arrest him." I said "Mr. Reynolds, if you do, I will go on the witness stand and say that you knew this whiskey was coming here."

Senator DIXON. You do not charge Reynolds with bringing whiskey in there, do you?

Mrs. GREY. I charge him with conniving to bring that whiskey there and knowing many times that there must have been whiskey on the reservation and whenever he catches anybody with whiskey he always knows where to go to get it. His own employees can have all the whiskey they want. I had been on that reservation for six months before I dreamed that it was a dead letter. I had some there myself right openly, but they dare to say anything about it because I happened to be with the Burlington officials. They came in their car, and it was very cold, in the winter time. I was with Mr. Allen, of St. Paul, and he had a little flask of whiskey and took it out and Scolds the Bear was there, and they offered it to Scolds the Bear and he said he would not take it, and he said "You will take it behind the door."

Senator DIXON. You say you had some there?

Mrs. GREY. Yes, sir; I had some there.

Senator DIXON. With the Burlington railroad officials?

Mrs. GREY. Yes.

Senator DIXON. Was he a Lincoln townsite man?

Mrs. GREY. Yes; I suppose he was, but I do not know. He is a mighty nice man. He comes from St. Paul, so I know he is all right.

Senator DIXON. Don't you think that was a little suspicious, to be taking drinks with Lincoln town-site people?

Mrs. GREY. That was before I knew this thing were against the law. I know these things now. I didn't believe there was any harm in having it then. I never dreamed of breaking any law; neither did they. Mr. Allen was very much surprised when I told him about it. I said to him, when I saw him on a later occasion: "Mr. Allen, do you know you are liable to go to the penitentiary for having that whiskey there?" You never saw a more surprised man in your life.

Senator DIXON. Why do you condemn these other people for bringing whiskey there, when you say you yourself took a drink there?

Mrs. GREY. I am not condemning them. I tell this because it has been made so much of and I want it put in as it was—not as it will be told you. I will tell you that I am coming to. Mr. Reynolds wanted to get a hold of Frank Gordon. They wanted to do what they call on the reservation, "cinch" him. That is the way they got hold of George Pease. George Pease had brought whiskey on the reservation, and he could have been sent to the penitentiary any time they wanted to do it. That is the reason George Pease had to do what Mr. Reynolds wanted him to do. See how it works. This is what whiskey on the reservation is.

Now, I will tell you of another case; how it works the other way around, when Mr. Reynolds wants to "cinch" them for having

whiskey. There is a white man named Tom Doyle; he lives away up the creek some place; I think on the Little Horn. He is a white man, and his wife is a well educated half-breed woman; as nice a woman as is on the reservation. At Christmas time, Tom Doyle's father, who is an old soldier, came to spend Christmas with them. He brought some whiskey with him. At Christmas time they had an egg-nog. This was Christmas, and they were way off up the creek, far away from anybody. After dark in came a spy; the agent knew what had been going on there. Tom Doyle was arrested on Christmas night. James Carpenter, who was also there, was arrested. Doyle was taken to the agency, and he was kept twenty-two days in the guard-house. There is a dark cell there, and he was most of the time in that dark cell. It was in the winter time. James Carpenter was there with him. There was no fire in this guard-house, and it is mighty cold there in the winter time. He had only one blanket over him. When he had been there twenty-two days, his wife came down—and she made all this long drive alone—I suppose about 30 miles, with a baby, in the winter, to bring Tom some clean clothing, and some more things, but he was not allowed to have them. Just about this time, the marshal came down from Billings and took Tom and Jim to Helena. They waited there six months for their trial, and then the jury turned Jim Carpenter loose. Tom, knowing that his father had brought the whiskey there, and that if he told the truth, his father would go to the penitentiary, would get into trouble instead of himself, Tom plead guilty. I think he got six months.

He got the lightest sentence that Judge Hunt could give him, anyway. He was taken away from his family and given a six months' sentence. He has got 5 or 6 little children, and they live away up the reservation. While he was gone his cattle were mixed with those all around; his fences were broken down; and his cattle strayed away. When he came back, at the end of the year, you can say that he had just nothing, and his wife just had to get along any way she could. As Tom said, "In the jail, many a night when it was storming I wondered how my wife and children were managing back there in the hills alone." The reason Reynolds treated Tom Doyle in this manner was that Tom Doyle objected to his land being in the Dana lease. He wanted his own lands to farm, and he wanted to sell his own hay. He lives on the border of the reservation. People over the fence would pay a good price for his hay, and he would bring the cattle in and feed them right on his allotment. He wanted to do that, but Mr. Reynolds wouldn't allow it. He wrote to the Department, and they replied that he might do it, but he must not take outside cattle over the reservation leases to get them on, and he must confine the cattle to his own allotments.

Now, you can imagine that Tom did not have the money to fence the allotment. Anyone who is a cattleman knows that cattle won't go very far from the haystack, in winter time, from which they are fed. It was merely an arbitrary restriction upon Tom to prevent him from doing what he had a perfect right to do. The result was that Tom had all his hay there, and he had no way to sell it. Hysham, of Omaha, was the lessor. He didn't like Tom, and wouldn't buy the hay. Tom went to Mr. Reynolds and he told him about it. He said, "You have got to make Hysham buy my hay."

I have got to have some money right off for my family." Mr. Hysham's brother went up there—I think that he was connected with the South Omaha stockyards, and he lives in Omaha. He and those he is connected with are the big men up in this district. The men that Tom Doyle wanted to sell to were the little homesteaders just off the reservation. You see how the Department discriminates against these little homesteaders. Mr. Reynolds told Mr. Hysham that he would have to buy that hay, and they sent the farmer down there. Now, Mrs. Doyle is not a very strong woman, and they came, and they wouldn't have anything to do with Tom. They said: "We are dealing with your wife; we won't have anything to do with you. You shan't come up there to the haystacks; fix your wife up and let her come up the hill." It was quite a little distance to where these haystacks were. Two months afterwards her next child was born.

Now, this was the demand that they made. Well, Tom went up and watched them. The snow was three feet deep when they measured it. The farmer measured the hay from the top of that snow; cutting off the bottom stack, probably three feet. You can imagine just how much loss of that hay there was in this measuring for Tom. That was why Tom had to sell his hay; and his punishment was being "cinched" for the whiskey.

I am telling you this, not as one instance, but as an example of the things that are done regularly on this reservation. If I were to sit here two weeks, I would keep on talking to you on just such things. I am giving you this instance, because I have the letters to show its history. All of these Indians are compelled to do what the agent wants them to do. It is a crime to give any man such power over other men. It is just as degrading to the agent to have this unjust power, and it is just as bad to him as it is for the men over whom he exercises this power. We know the temptations that come to this man, and he can not be strong forever; he is going to fall some time. They nearly all do. You take any of the men who come in contact with this condition, and if you will do as I have lately, study the history of these men, you will see where they come to. I believe Mr. Reynolds was an honest man when he came there. He was a poor boy, and worked his way through college. Now see where he is. It is just as bad for the white man as for the red man. You watch it and see.

Now there is another thing on the reservation, the methods of the inspectors when they come there. Sometimes an Indian who comes home from school—no one who ever has been there for any length of time ever attempts these things—is imbued with the idea that he is a man, and he has a man's and a human being's rights, and he knows what decency is, and he is going to stand up for it. I want to take the case of a man who comes in in that way, and these are the Indians who come back to blanket life on the reservation, and it is no discredit to them that they do it. The Department, as it is managed, compels them to do it. It is not the fault of the school or the Indian. It is the fault of the Department. We will take the case of this Horace Longbear. I think he is also a graduate of Carlisle. He is a full-blooded Indian, a Big Horn Indian. He came home from school. He did not like the conditions there, and instead of staying at home, he went into the Army, and he had enough character, though

he was a full-blooded Indian, to be made a sergeant of the company where he was. I think that speaks pretty well for his character and the kind of a man he was. He has received the best kind of letters from the officers with whom he was associated when he was in the Army; they still keep track of him. He writes to them and they write to him. General Pratt writes to him. I think General Pratt keeps track of all these Indians on the reservation. He is their inspiration. He is the man who keeps them from going to pieces absolutely.

Horace came home from the Army, and he found that his younger brother was married to a girl named Lottie, and that Lottie had been for a long time associated in an immoral way with Fred Miller, who is the chief clerk there at the agency. Now, this was common talk on the reservation, and it is still. Horace came home with his ideas. He did not know that the Crow Indians have no morals. My opinion is that they have more morals usually than the white people have. They may be different, but so far as I have seen many of those Crow Indians—I would be proud to know any white man or woman who has better morals.

Horace came home and they had a family council. They said: "It is not right, but what can we do?" Horace says: "I know what I will do. I will go to the agent and ask a divorce for Shell Bird from Lottie." His family said: "You will only get into trouble." Horace said: "I don't care if I do. I am not going to have this in my family; this is not going on any longer." So they went down to the agent. Mr. Reynolds was the agent at the time. I am telling you this, as Horace told it to me, and I suppose he told it before fifteen or twenty other Indians of his neighbors and friends. Horace went to the agent and he said to him that he wanted to bring suit for a legal divorce. He asked that his brother-in-law be allowed to bring an action for a legal divorce from his wife, and name Fred Miller as co-respondent, and he wanted to call the different Indians as witnesses. That was a perfectly legitimate thing to do, and it was the manly thing to do, and it was what he should have done. Mr. Reynolds said: "All right; we will do it." They then went back home. Nothing was done, however, so Horace came back in two or three weeks and wanted to know why nothing was done. Finally they sent for an inspector.

The inspector came and the story, as the inspector got it and as I have it from the Indians who were there, was to this effect, that there was no doubt about the conduct of Lottie and Miller. That was not denied. But it was then said that Medicine Shell Bird was a blackmailer; that he was trying to get money from Miller, and Horace was trying to help him. If you will find the records, they must be here in the Department, I would like to have those records brought here to see whether this story is true or not; see what these stories are. Anyway, the divorce was not brought; and Horace and Shell Bird have had all the trouble since then that they could possibly have. Shell Bird was punished. There were some sheep killed over there. The story was that these Bair sheep were on the old allotment, and they wanted some of this money to support this old Indian with. He was an old man and a pauper and they had to take care of him. They wanted the money and they went to Bair in order to get it.

He said: "We will let you take the sheep off." In hustling the sheep some of them were killed. I think Mr. Johnson defended Horace. When he told this story he was afraid to tell the truth. Anyway, Medicine Shell Bird got six months for this. In one way and another there has something been happening that family until to-day. Their horses are all gone; their cattle are all gone. They have nothing. And Horace comes home, and he is there to-day. He is the man that was chosen by the Big Horn Indians to come here. He told Major McLaughlin that they would not let him come. Horace wrote that Major McLaughlin said: "You shall come." But he has not come.

That is another form of intimidation.

Senator DIXON. Do you charge Major McLaughlin with intimidation?

Mrs. GREY. Major McLaughlin is here. We have the letters from Horace. I have not spoken to him about it. I suppose he will tell the fact that Horace was chosen, and that an alternate was chosen also, and that the alternate came. I am only telling my side of it. Major McLaughlin can tell his side. Horace is on the reservation, and if he were allowed to come, he could tell his side, and the other Indians could, too. We have these letters from the Rev. Mr. Burgess and Joe Cooper's letters.

The CHAIRMAN. These letters are in this lot?

Mrs. GREY. Yes. I am not sure which ones they sent.

The CHAIRMAN. You brought here all the letters you have, did you not?

Mrs. GREY. No. I have ten times as many.

The CHAIRMAN. We asked you to bring all the papers that you had that referred to this case.

Mrs. GREY. Well, these are more personal letters that we could not put in.

The CHAIRMAN. These are all that you want to use?

Mrs. GREY. Yes; I think so. Now, then, the intimidations do not only affect the Indians, but they affect the white man. There were some letters written by Secretary Garfield that I would particularly like to have produced here, in which, these letters were read through the different districts, he wrote at that time, so the Indians said, that he had "downed" me. And in a letter, I am told, he said that anyone who opposed the Indian agent would have to leave the reservation. This is a matter that could be easily decided by the letters.

When the Indians came to Helena to this trial, those who came from the agency stopping in Billings, when they got to Billings, Big Medicine received a letter from Secretary Garfield. Big Medicine is the chief of police of the Indians. The Indians saw the letter and told us about it. I did not see the letter. I would like to see that letter. I would like to have it produced.

Then, there was the Rev. McCullough in Billings. You know him?

Senator DIXON. I have heard of him.

Mrs. GREY. You know he is a fine man. He is the man who led the crusade against gambling, and closed up all the wine rooms there. You know he is pretty well spoken of, do you not?

Senator DIXON. I have heard of him.

Mrs. GREY. You never heard anything against him. He is a young clergyman, very well thought of. Just at the time of this grand jury

at Helena he had a call to the Presbyterian Church in Helena. I don't remember the name of the church now. You remember the one that is vacant there?

Senator DIXON. No.

Mrs. GREY. It is the largest church in Helena. He had this call to go to that church.

Senator DIXON. Hasn't he disappeared right recently?

Mrs. GREY. Yes. Mr. Reynolds wrote a letter to the county attorney in Billings when I was trying to get Lucy out of jail. The way I know it was, we were in Mr. Johnson's office; we were going to bring a suit to get Lucy out of jail. We found out it would cost $300 or $400 and take two or three months. Mr. Johnson called up the county attorney, and he read, over the telephone, to Mr. Johnson, Mr. Sniffen was in the office too, this letter from Mr. Reynolds, in which he said he was going to keep Lucy in jail, because this "preacher, who had now taken to the tall timbers for safety," had been meddling in the matter.

Senator DIXON. Where is this minister now?

Mrs. GREY. He has gone to the Holy Land.

Senator DIXON. Did he go rather suddenly?

Mrs. GREY. No; not a bit. This is one of the things that I want to nail right down here.

Senator DIXON. I have just heard a rumor this week.

Mrs. GREY. I don't doubt you heard it. I want to tell you just where the rumor came from. These are the sort of means that Mr. Bair uses. When I was arrested they could not get a thing in any of the papers. You know the papers are all owned there; Mr. Moss, or Charlie Bair, or some one else interested owns every paper up there. I have some clippings to show that they run them. They could not get a word in the paper. My letters were not mailed, and there I was in jail. Mr. McCollough did not know me. I had just met him; that was all. He knew Mr. Burgess on the reservation. I only knew Mr. Burgess casually. He knew I was in jail and he came to see me; and he went to the different papers and tries to get them to publish it. He thought it was such an outrage I was there. But when they would not, he preached a sermon on it. The sermon that he preached—I have it—was sent to Mr. Herbert Welsh. That is the way—that was the beginning of my connection with the Indians' Rights Association. It was through this sermon that Mr. McCollough preached. It was through this sermon that Mr. McCollough preached that it was known that I had disappeared.

There was a woman there with whom he was very closely associated in church work. She was an intimate friend of his and was an elderly lady. They called her the mother of the church. She had two or three daughters. I can not think of the name of the daughter against whom this awful rumor was sent. Anyway she is the cousin of the wife of Mr. Wm. H. Johnson. There was much scandal about it. It was just circulated around there, and it was hard to find where the thing came from. It was an abominable story that was started. Mr. Johnson took the matter up, and he and Mr. McCullough followed it down, and just before I came to Billings, Mr. Johnson said that he went to Charlie Bair, saying, "We have traced all these stories back to you." And his reply was: "I didn't know it was your wife's

cousin, or I would not have done it." Mr. Johnson is now in Billings, and you are perfectly welcome to write, and I wish you would write, Senator Dixon, to him on this subject, if you wish to find anything more out about it.

In the meantime, Mr. McCullough had this call to Helena. He was the pastor of a little mission church in Billings, and he had the call to go to this big church in Helena. He had made arrangements, with the Presbyterian Board of Missions, I think, now, I may not be right, but it was some Presbyterian board, in the East, to go to the Holy Land for them and to make this tour. He was to do something for them. I do not know the terms of the agreement, and I do not know what it was, but it can be easily found out. He was to go for them, and it had been arranged, probably a year before. He made a trip to see them, and when he came back he said he would not go to Helena. He said: "No, I will not leave Billings, as long as this story is here; I am going to stay here." His friends in the East said it was a very foolish thing for him to do; that he should go away and they would attend to it. There is not a finer and better man in the whole United States than the Rev. Mr. McCullough.

Senator DIXON. That had been my impression of him.

Mrs. GREY. These are the methods by which these people protect themselves on the reservation. Any one, red or white, who in any way, shape, or manner opposes the operations of these people have just these things happen to them.

There was another one of the grand jurymen—I will tell you a little story of what they did. He is a Mr. Drake, in Billings. I think he has a grocery store, or is in some way engaged in business in Billings. He was on this grand jury. He was one of the seven who stood out that they would not indict me. The day after the grand jury had finished their deliberations I met Mr. ——— Drake, the first time I had known him by name. I had seen him in the jury room, but did not know anything about him. He was very much distressed. He had just had final notice from the First National Bank, of which Charlie Bair was a director. When the panic came on it was his money that saved the bank, and he is now recognized as one of the principal men of the bank. And Mr. Drake had been told that if he voted against my indictment that he could be ready to take up his note that day.

Senator DIXON. Do you know who told him that?

Mrs. GREY. He is in Billings, and you can find it out from him. He didn't say just——

Senator DIXON. He told you this himself?

Mrs. GREY. He told me this in the presence of Mr. Sniffen and Mr. Peterson, who was also on the grand jury. When I got down to Helena I told Mr. Yagen about this, and he said that he would see that he didn't have to pay his note.

These are the forms of intimidation that the people used. Mr. E. L. Dana, I suppose he is a man who is worth a good many million dollars, he is one of the very big cattle men, principal lessor. He has paid $70,000 in the last five years on the Crow Reservation. He came to Helena and testified, as I had said he probably would testify, that Henry was running more cattle than he ought to run. Mr. Dana told these grand jurymen that he might as well get out of the Crow Reservation. Fred Server, who keeps the hotel at Billings——

Senator DIXON. At Billings or the agency?

Mrs. GREY. At the agency. He told these grand jurymen he would have to leave the Crow Reservation. Mr. Mills said: "I will have to leave." He has already been removed. Harry Thompson said: "I might as well leave the country." Every Indian who came there said: "I expect to be put back in jail when I go back."

Senator DIXON. Did they tell the grand jury that?

Mrs. GREY. Yes, they told the grand jury that. Why, it was a thing that you could not conceive of in the United States.

Joe Cooper, when he came up to me, after testifying, the night he was going back to the reservation, and said to me: "Mrs. Grey, I have tried to do right on that reservation. I believe I am going to my death when I go back to it now."

Senator DIXON. Joe is still alive, is he not?

Mrs. GREY. Yes, what is left of him is alive; but he has had—all the possible trouble that could be made for a man, has been made for him.

Senator DIXON. When these conditions exist, then this Indian reservation, and may be in others, why isn't it better to allot these Indians, and get rid of all these troubles and losses?

Mrs. GREY. That is exactly what I would rather have done than anything else on Crow Reservation. I say this, that these lands belong to these Indians. If you take the lands away from them, when the Government promises to pay for them, as they did in the other allotment, do not make the treaty in such a way that a man like Senator Teller, who has been a Senator as long as he has, when he reads the act through, says: "Yes, Mrs. Grey, the money is appropriated and the Indians are going to be paid for this land." This is the reason I have made my mistake. You take this and read it. After they have spent all these thousands of dollars to make this treaty with the Indians, and it is passed by Congress and all, at the end you find just one little paragraph which says that the United States does not hold itself responsible for paying for these lands.

Senator DIXON. All Indian reservations are open under that same condition.

Mrs. GREY. It is a miserable, dishonorable transaction, and a white man that would do it and do it repeatedly would be driven out of the country. It is a disgrace to the United States to do such a thing. I say if they have a right to take the land, let them do it, but do not go through this rigmarole of fooling the Indians with a treaty. If they have the right, let them do it openly and decently; but do not say, "We are going to pay you for the land," and take it, making the Indian keep his side of the agreement, and then say, "We won't pay you."

Senator CURTIS. The agreement provided that they should pay, and that was afterwards. I think that what the Indians complain of is the power of attorney to the agent, who claimed he had authority to sign, and they contend that they had never given any such authority.

Mrs. GREY. That power of attorney.

Senator CURTIS. The Government changed its policy. It had been buying lands of the Indians and paying for them, and a policy was adopted to sell the lands and give them the proceeds, no matter how it was. However, this agreement was submitted, and the bill was not passed until after the agent, or somebody claiming to represent them,

showed to the committee that he had authority to make the change, and the change was made.

Mrs. GREY. That is my idea, and that is the reason I have been persecuted as I have. Now, where is that power of attorney? Can it be produced here?

Senator DIXON. I think you are in error in that. I do not think there was anything like that. I think it was something that some of the Indians were reported to have executed to him while the conference was on with the old commission.

Mrs. GRAY. That was the one that was used in the bill that Senator Mondell put through.

Senator DIXON. Mrs. Grey, let me say to you as these Indians' friend, that these Crow Indians will get double dollar for dollar under the bill that Congress passed than what they agreed to.

Mrs. GREY. Give it to us before we are all dead?

Senator DIXON. I think the wisdom of the Indian Office and the——

Mrs. GREY. I have an absolute contempt for the Indian Office since I have read this beet sugar proposition.

Senator DIXON. Some of us do not agree with you. That was all discussed with the President—this Crow bill.

Mrs. GREY. It is that much morse for the President.

Senator DIXON. I think you are speaking without knowing what you are speaking about. Let me say to you that the Crow Indians will get $2 for this land for every $1.

Mrs. GREY. You mean the Department will get it. The Indians won't get it.

Senator DIXON. No. The Indians will get it.

Mrs. GREY. You take the treaty of 1891. Where did that money go to? Did the Indians get it? Take the treaty of 1882. Did the Indians get that money?

Senator DIXON. I think they did.

Mrs. GREY. It was spent.

Senator DIXON. It was paid out.

Mrs. GREY. It was paid out.

Senator DIXON. It all went on the books.

Mrs. GREY. I never denied that.

Senator DIXON. You are criticising an act of Congress without knowing what was in that act.

Mrs. GREY. No, I am not.

Senator DIXON. Do you know what it provided for?

Mrs. GREY. Which was that?

Senator DIXON. The last act.

Mrs. GREY. Yes; I have read it over a good many times.

Senator DIXON. It provides a payment of $4 an acre for the lands.

Mrs. GREY. What I say, Senator Dixon, is that the agreements that are made are all right; I am not saying anything about the agreements; but I am complaining of the way in which they are carried out.

Senator DIXON. I am not responsible for that. I say the Indians will get $2,000,000, where they agreed to sell the land for $1,100,000.

Mrs. GREY. I am not saying that the Department will not get that money. The Department will get it, but it is that much more money for corruption.

Senator DIXON. You are making a pretty broad charge. I am not responsible for the Secretary of the Interior or the Indian officers.

Mrs. GREY. I would be sorry to be. You say that I am saying things that I do not know anything about. I copied this to show what these appropriations were for. This is an act of April 11, 1882; an act to accept and verify, and so on. This is the allotment act of 1882, as it is called. This is where the money is to go:

In addition to annuities and sums for provisions and clothing, stipulated and provided for in the statutes, treaties, and laws, the United States hereby agrees to appropriate annually for twenty-five years the sum of thirty thousand dollars, to be expended under the direction of the President for our benefit, to assist us, to erect houses, to procure seeds, fences, and stock, or in cash.

Now, this is actually the money to be spent for improvements. You will find that when the next bill went through there was $5,000 appropriated to replace the improvements that the Indians abandoned in ceding their land. Now, didn't that pretty nearly acknowledge that there were not any improvements on that reservation?

That is what I say. The books are beautifully kept. I am not saying a word about the books. I say, look at the reservation itself; look at the Indian.

Here is this power of attorney. If we could just get the power of attorney.

Senator CURTIS. Here is what I want to call your attention to. The first act or the agreement that was submitted to Congress—in that agreement the Government agreed to pay to these Indians for the reservation $1,150,000 as follows——

Senator DIXON. That is the one.

Senator CURTIS. While that was pending it was changed, and the second article was made to read as follows:

In consideration of the land ceded, granted, relinquished, as aforesaid, the United States stipulates and agrees to pay to the Indians the sum hereinafter provided for, etc.

Senator DIXON. They had that old treaty for the basis.

Mrs. GREY. The Department never explained anything to the Indians. It said, "We can take your lands." It was dishonorable if is wasn't anything else.

Mr. Dalby makes a statement about that power of attorney. The following is taken from Mr. Dalby's report, in which he refers to this power of attorney:

In 1899 the tribe signed a "treaty" with commissioners appointed by the United States for that purpose, proposing to sell to the United States the northern end of the reservation, about one-third of its entire area. The price set upon the land by this "treaty" was $1,150,000, which the Commissioner figured would amount to something less than $1 an acre. The treaty made somewhat elaborate provisions as to the application of this fund. It also contained the following provision: "Should any article in the agreement fail of confirmation by Congress, then the whole shall be null and void."

This treaty was signed by Charles G. Hoyt, James N. McNeely, and Benjamin F. Barge, Commissioners on behalf of the United States, and by Pretty Eagle, Plenty Coos, Two Leggins, and 555 other members of the Crow tribe.

Senator PAYNTER. It is the same Plenty Coos?

Mrs. GREY. Yes; and he is a mighty fine old man.

In April, 1901, at the suggestion of the Indian Office, the tribe made a formal amendment to the treaty to meet the views of a Congressional committee in regard to water rights. Again, in March, 1902, a Congressional committee sug-

gested various minor amendments in the treaty, to which the then agent, John E. Edwards, was in Washington at the time, agreed on behalf of the tribe, by virtue of a power of attorney which was sent to him in response to his telegraphic request.

Doesn't that sound as if it was made at that time?

Senator DIXON. What is the date of that?

Senator SUTHERLAND. 1901.

Mrs. GREY. No; I am not sure about that. This was in 1902, when the bill was passed, in 1902.

Senator DIXON. What bill was that?

Mrs. GREY. Bill of March, 1902.

A Congressional committee suggested various minor amendments in the treaty, to which the then agent, John E. Edwards, who was in Washington at the time, agreed on behalf of the tribe, by virtue of a power of attorney which was sent him in response to his telegraphic request.

Senator DIXON. That was before this bill was passed by Congress; before I was a Member of Congress.

Mrs. GREY. I don't think this is the one. This is April 27, 1901.

Again, in March, 1902, a Congressional committee suggested various minor amendments in the treaty, to which the then agent——

Now, you remember that.

Senator CURTIS. Go right ahead.

Mrs. GREY. There are two treaties (continuing to read):

to which the then agent, John E. Edwards, who was in Washington at the time, agreed on behalf of the tribe, by virtue of a power of attorney which was sent to him in response to his telegraphic request.

It appears here that there were two powers of attorney. I know that the first one was made with the Indians, and it was all right; that was for the water right—water to be taken out to be used for irrigation. You just read this. There must be two powers of attorney here.

In April, 1901, at the suggestion of the Indian Office, the tribe made a formal amendment to the the treaty to meet the views of a Congressional committee in regard to water rights. Again, in March, 1902, a Congressional committee suggested various minor amendments in the treaty, to which the then agent, John E. Edwards, who was in Washington at the time, agreed on behalf of the tribe, by virtue of a power of attorney which was sent him in response to his telegraphic request.

Senator DIXON. I think I can explain that.

The CHAIRMAN. I do not see any issue.

Senator DIXON. I do not either, except for Senator Curtis's benefit.

Mrs. GREY. I do not know whether that is the power of attorney. I think there is still another one that we have not got hold of yet. I think Mr. Dalby thought there was when he wrote that, because he speaks of there being another one. I may be mistaken, but I think there is another one. When Mr. Dalby was making his investigation he seemed to assume that there were two powers of attorney. I knew there was one, but I did not think the other was given legitimately.

Here is the dead-land money. Under the law the dead lands are sold to the highest bidder, and it is all done through the Department of the Interior, and the money is paid to the Department of the Interior, and is deposited in certain banks that are set aside. Now, the time that Mr. Reynolds and I were in Billings I said that it was

a very strange thing that they were already making their improvements on Fort Custer, and that the Secretary of the Interior had not approved the sale of that land. I said it didn't seem to me they were the kind of people to go ahead and make improvements unless they had the land. He said: "There is $18,000 lying in our bank now." I said: "You go and pay these Indians right off;" and he did pay some of them quite a sum of money. I believe the money is held in the bank here, and it is loaned at 1 per cent per month; that is the usual rate up there. The bank pays 3 per cent for the money; and that is a thing that should be carefully looked into. Now, I know that money is held in the bank when it should be turned over to the Indians.

I can cite the case of Frank Gordon. He is interested in a dead allotment. He is a white man, and he wants to sell this land, but he says, "I am not going to sell the land and let my money lie up there in the bank for them to draw money on. I would rather let the land increase in value as it is. He would not sell it. At the same time the First National Bank is willing to loan Frank Gordon money, and it has loaned him money, without any kind of security whatever, at 1 per cent per month.

Then, there is another matter. The way the farmers on the reservation buy up the wheat from the Indians. Now, the Crow Indians have a contract with the Cheyennes to furnish them a certain amount of flour. I think the price, too, is a little higher than the market price. I think the investigation will show that Van Hoose is in the habit of buying up the wheat in his district and bulking it and sending it through the agency mill in the name of one or the other of the Indians. You will find two or three Indians who sell an awful lot of wheat to that mill, and when you look at those Indians' surroundings you will find them living in very small houses, with small gardens only. I think that wheat really belongs to the different farmers. They buy it from the Indians. The farmer will hand the Indian a little money, and he will say, "You have a crop growing; here is $5 or $10; and before the wheat is harvested—the Indian has not kept very good track of the money and the farmer has—the farmer owns the wheat and the Indian doesn't.

The CHAIRMAN. What is that man's name who is borrowing money when his own money is in the bank?

Mrs. GREY. His money was not in the bank, but he had this dead allotment. He can not sell on account of the restriction. This is Frank Gordon.

The CHAIRMAN. Isn't it money that is owing to him?

Mrs. GREY. He has got the land.

The CHAIRMAN. Isn't that money deposited in the bank?

Mrs. GREY. No, Mr. Chairman.

The CHAIRMAN (continuing). Out of the dead allotment sale?

Mrs. GREY. No. He would not sell the dead allotment.

The CHAIRMAN. I understood you that there was $1,800?

Mrs. GREY. There was $1,800 of other dead allotment money.

The CHAIRMAN. To whom did that belong?

Mrs. GREY. Rides a White Hip Horse, Ralph Sago, and——

The CHAIRMAN. I understood you to say that Gordon was interested in it.

Senator SUTHERLAND. Did not, Mrs. Grey, you say that this $18,000 belonged to a couple of different Indians?

Mrs. GREY. More than that, but these two had an interest.

Senator SUTHERLAND. You said $1,800?

Mrs. GREY. Yes; that is, that belonged to a number of different Indians.

Senator SUTHERLAND. Then a portion of it was paid?

Mrs. GREY. Yes.

Senator SUTHERLAND. But a portion of it still remains in the bank?

Mrs. GREY. That I do not know. Much more has come in since.

Senator SUTHERLAND. Do you mean to say that a portion of it has not been paid to the Indians, which remains somewhere?

Mrs. GREY. I do not know where it is.

Senator SUTHERLAND. You do not know anything about that?

Mrs. GREY. No. I know that these two Indians did get their payment at one time.

Senator SUTHERLAND. What was there about the farmers buying of the Indians? Do you mean to say that the farmers employed on the reservation by the Government make purchases of wheat directly from the Indians?

Mrs. GREY. Yes; both Connolly and Van Hoose.

Senator SUTHERLAND. How many farmers are there, only the two?

Mrs. GREY. Eight, I think.

Senator SUTHERLAND. Eight farmers. You say all of them do that?

Mrs. GREY. Oh, I don't think they do. I don't think Tim Burbank buys wheat even.

Senator SUTHERLAND. Is it your information that they are in the habit of doing that, or only occasionally?

Mrs: GREY. I think it is the regular habit to do it. I am quite sure that Connolly does it, from my own information—from my own knowledge. They were down at the agency at Christmas time, and Mr. Connolly was there with his daughter, and she asked him if he had got the money yet. And he looked at her and frowned. She said: "Did you get it, papa?" and he took her out.

Senator SUTHERLAND. Her father is one of the farmers?

Mrs. GREY. Her father is Mr. Connolly.

Senator SUTHERLAND. Did you call the attention of the Indian Office to this matter?

Mrs. GREY. Yes. Mr. Dalby commented on it.

Senator SUTHERLAND. Did Mr. Dalby investigate that, do you know; make any report on that?

Mrs. GREY. Not in the extract that I have, he did not.

Senator SUTHERLAND. Well, you have read the entire report?

Mrs. GREY. No; I have not read the entire report. The same is done with horses as is done with wheat.

Senator SUTHERLAND. You mean the farmers purchasing horses from the Indians?

Mrs. GREY. Yes, Senator Sutherland, only the horse buyers whom the farmers are willing should be there can go in and buy horses, and those who want to come in and buy horses can not. They say they have to "stand in" with the farmers before they can do it. It is a fact that only certain buyers can come in. It isn't there now,

but a few years ago it was so that they would round up the horses and sell them for an Indian; if the Indian would not sell his horses, the policemen did for him.

Senator SUTHERLAND. You don't know that the farmers merely marked the wheat for the Indians, but you mean that they buy it directly from them?

Mrs. GREY. Buy it directly from them.

Senator SUTHERLAND. And then sell it? The farmers themselves sell it to the mills?

Senator CURTIS. They ship it to the grist mill in the names of the Indians?

Mrs. GREY. In the name of the Indians.

Senator PAYNTER. When you mention farmers, do you mean some of these men looking after the interest of the Indian for the Government?

Mrs. GREY. He is one of the employees on the reservation. I do not know one farmer on Crow Reservation that could possibly do any farming; it is absurd on the face of it, because the farmer gets $60 or $75 a month. If he was worth a row of pins he would make twice that much on his own farm.

Senator SUTHERLAND. If your statement about it is correct, he is probably making something out of the wheat.

Mrs. GREY. Van Hoose has a very fine ranch off the reservation. He has plenty of everything he wants on that ranch.

There is another thing. I can give you the name of the man; it was Frank Gordon. I will cite his case because I lived there and I knew him very well. He is a white man, and you can locate him. He has very fine white-faced cattle; he feeds them and keeps them prime beef. Out there they ship the cattle all in one shipment. Of course, from the stock yards every animal that is shipped is billed by the different brand; they do not bill them in bulk, but the agent ships them in bulk, and he pays the Indians pro rata. For instance, Carl Leiter's rack-bones, that can hardly stand up to get to Chicago, brings the same price as Frank Gordon's prime steers do. That is not very much of an inducement to an Indian to have good stock.

Another thing. When they are shipping cattle or horses—of course, as I have told you, the Indians' cattle are mixed all together with the lessors' cattle. I have showed you how the Indians can not help this. It is not their fault; it is the fault of the system. The cattle will be shipped, and sometimes they will get a note from Mr. Reynolds enclosing a check, saying the cattle were shipped under your brand may be months before and this is the check for it. That is the way they do it. He doesn't tell them when the cattle were shipped, who they were shipped to, or where they were sold. They are not allowed to know anything. Of course, the Indians do not like that.

Well, now, I do not think of anything else I have got to say.

Senator BROWN. Do you want this bunch of letters to go in.

Mrs. GREY. Anything Senator Clapp wants can go in.

Senator PAYNTER. I want to ask you one question. I do not know whether it will cast any light upon this issue, but you have been

referring to the Burlington Railroad interest. What interest has it in this reservation or the management?

Mrs. GREY. Whatever it has, it is sub rosa, but it is a very powerful one. For instance, a great many of the Indians stock are killed, and they have tried every way to get damages, but they never can. The railroad kills stock, hundreds of them, through the course of a year, but they can not get any damages.

Senator PAYNTER. The reason I asked you this question is because I read a letter that I want to put in myself; a letter which says that the railroad company receives more for transportation of freight for the Government there than individuals pay for like service. Is there any suspicion of charges of that kind?

Mrs. GREY. That is something that I do not know anything about.

Senator PAYNTER. I am not making that charge. I just saw that letter this morning.

Mrs. GREY. The Burlington Railroad and the Lincoln town site are one, practically—fingers of the hand of which are also the Amalgamated and Standard Oil, I believe.

Senator SUTHERLAND. The Indians are not prevented from bringing suits, when the stock are killed, against the railroad.

Mrs. GREY. That is one of the things I wanted to speak about. They have the right to bring suits; and that is one of the things that I am going to ask very much in the name of the Indians that they be allowed to bring these suits. No, an Indian cannot bring a suit.

Senator SUTHERLAND. Legally he can.

Mrs. GREY. Yes, legally; but actually he cannot.

Senator DIXON. Is the right of way fenced in over the reservation?

Mrs. GREY. Yes; but they have no guards or anything of that kind. It runs right through their grazing district. John Frost had eight horses killed a year ago, and he has been trying to get damages ever since, but he can not.

Senator SUTHERLAND. Of course, the mere fact that cattle are killed by railroad does not entitle the owner to damages.

Mrs. GREY. No; but they have asked to have these things investigated. I do not think there has been any instance where it has been done.

The CHAIRMAN. Does any Senator want to ask any questions?

(No response.)

The CHAIRMAN. You may be excused, Mrs. Grey, but you do not have to leave the room.

STATEMENT OF SAMUEL G. REYNOLDS.

SAMUEL G. REYNOLDS, after having been first duly sworn, testified as follows:

The CHAIRMAN. State your name in full.

Mr. REYNOLDS. Samuel G. Reynolds.

The CHAIRMAN. Occupation.

Mr. REYNOLDS. United States Indian agent.

(At this point it was decided to defer the further examination of Mr. Reynolds until some later time.)

STATEMENT OF PLENTY COOS.

PLENTY COOS, an Indian, first being duly sworn, testified as follows through Frank Shively, an interpreter:

The CHAIRMAN. What is your name?

PLENTY COOS. Plenty Coos.

The CHAIRMAN. How old are you?

PLENTY COOS. He is not sure; he is between 59 and 60.

The CHAIRMAN. Where do you live?

PLENTY COOS. He lives on the Crow Reservation, at a place called Pryor Creek.

The CHAIRMAN. Are you one of the chiefs or head men?

PLENTY COOS. There are several chiefs there, but he is considered the leading chief of the whole tribe, and he looks after the interests of the whole tribe, the old as well as the young.

The CHAIRMAN. Do you want to make any statement to the committee?

PLENTY COOS. He wanted to be here and to be present when this committee meets, and wanted to be here to see you people now who are here, and he feels relieved of the expectation that he was being held back by the committee; but he is here now, and he would like to make a few statements.

Senator DIXON. I would suggest that you ask him under what authority he comes. Let us get his theory of why he came here.

The CHAIRMAN. If that is considered material.

Senator DIXON. I think it is, in view of the statements that have been made.

The CHAIRMAN. Why did you come to Washington?

PLENTY COOS. He says that he was busy, occupied with other matters, and then in developing his own allotments, etc., etc., and when there was a bill existing in the Senate throwing open the reservation he asked to come here, and he was permitted to come.

The CHAIRMAN. Did they have a council?

PLENTY COOS. They had a council of two days and two nights.

The CHAIRMAN. Who called the council?

PLENTY COOS. Inspector McLaughlin.

The CHAIRMAN. How many Indians were there?

PLENTY COOS. A little less than 100 leading men of the reservation, he says.

The CHAIRMAN. Does he know who selected them to come to the council?

PLENTY COOS. He received notice from the agency office, stating to send leading men of the whole reservation; the very best of the tribal representatives.

The CHAIRMAN. Well, who selected these men that went to the council; who picked them out?

JAMES HILL. Mr. Chairman and gentlemen of the committee, I should like to make the suggestion that Carl Leiter translate the questions in Indian to Plenty Coos. That is the way we have been doing before, and it was satisfactory. And that Mr. Shively translate the Indian to the committee.

CARL LEITER, an Indian, first being sworn, translated the following questions to Plenty Coos:

The CHAIRMAN. What the committee wants to know is how these men were selected that went to the council.

PLENTY COOS. They had a meeting together, and they selected the representatives from each district. There are five districts on the reservation, and they were all fully informed, and the meeting was held, and these representatives were selected and sent to the agency for this big council.

The CHAIRMAN. Did the council keep any record, any written record of these proceedings?

PLENTY COOS. Yes, sir.

The CHAIRMAN. Who kept the record?

Mr. SHIVELY. That stenographer was Fred Miller, and I got one of the papers myself.

The CHAIRMAN. Have you got it with you?

Mr. SHIVELY. Yes, sir. [Produces paper.]

The CHAIRMAN. You know that is the record of the proceedings of the council?

Mr. SHIVELY. Yes, sir; that is the record of the whole proceedings, from page 1 to page 45, I believe.

The CHAIRMAN. Who kept it, do you know?

Mr. SHIVELY. I kept that myself.

(The same is hereto annexed and marked. See "Exhibit J. McL. No. 1," p. 771, et seq.)

The CHAIRMAN. I suggest, in the absence of any question as to the authority, that that probably is sufficient procedure. How many were delegated to come here?

Mr. SHIVELY. The names are in this record.

The CHAIRMAN. Well, you can withdraw the question.

PLENTY COOS. There were 7 names mentioned, but he had to go back on some immediate work—went back to Pryor, where he lived; and there was another meeting that took place afterwards, and he doesn't know as to that.

The CHAIRMAN. Well, the names appear here?

PLENTY COOS. All these delegates. Of course, we didn't come here of our own volition; we were selected by the tribe.

The CHAIRMAN. Well, now, what is it that you want to say to the committee?

Senator SUTHERLAND. Before he passes that point. I understand that he says there were 7 selected, but they went back and others were selected. What is all about that?

Mr. SHIVELY. Well——

Senator PAYNTER. Suppose you ask the question and let him answer it.

Senator SUTHERLAND. Ask him first how many are here now.

PLENTY COOS. Nine here.

Senator SUTHERLAND. Ask him if they were selected at this first meeting that he speaks about.

PLENTY COOS. The selection was made at the first meeting of the council, where the names were mentioned, and they were elected; but afterwards there was another request made officially by one of the districts that was not represented, and they made this request through Inspector McLaughlin.

Senator SUTHERLAND. Ask him, then, if the 7 that were selected at this first meeting are here now.

PLENTY COOS. All, excepting one.

Senator SUTHERLAND. Six of them are here, then?

PLENTY COOS. Yes, sir. One of the districts over there was represented by three delegates, and one district did not share in number, so they discarded one to give the one district a representative.

Senator SUTHERLAND. Well, I do not care for the process, but ask him whether six of these seven men are here now.

PLENTY COOS. Yes, sir.

Senator SUTHERLAND. That is all I want.

The CHAIRMAN. Well, then, tell him to go ahead and tell the committee what he wants.

PLENTY COOS. There is but one object that he is here for, nothing else. There is a bill pending opening up this reservation; he is here on that account; he is not here for anything else. He wants to talk over this land proposition, to show you gentlemen why he objected to it, the reasons and his arguments for it. He is going to show you plainly the facts of the whole matter, openly.

Senator PAYNTER. I should like to ask him a question. Ask him who suggested at this council meeting—the one that he attended—the names of the delegates who are here, the six that are here.

PLENTY COOS. They were selected and elected by the council, the general council; don't know exactly who gave the names, but they were elected and voted upon by the council.

The CHAIRMAN. He said something about somebody going away. Ask him about that.

PLENTY COOS. The first meeting was held—that is, each district had a meeting, and he was selected to go to the general council, and he and several others came down there, and after the council, which took two days and two nights, was over and everything was done away with, he took the train back to his own place. That is what he had reference to.

The CHAIRMAN. Anything further, Mr. Paynter?

Senator PAYNTER. Nothing.

The CHAIRMAN. Tell him to go on. He started in to say why he didn't want the treaty.

PLENTY COOS. The bill wherein the Crow Reservation is to be thrown open, and he is here to tell you his reasons why he is going to object. He is going to show you everything, show you the facts as they are, and he is going to tell it one by one as it comes to him, he says.

The CHAIRMAN. Well, go ahead.

PLENTY COOS. Right now he is right at the crisis from the old to the new; that is, the mode of living. He discarded the old and is going to live as a farmer; he is going to work his allotment and everything else; he has got cattle and horses, and he has got children, and he and the young people will occupy those lands, and he wants to save and use those lands themselves. The land is ours; we have cattle and horses to utilize every foot of that land for our own cattle and our own children, you see.

He is here to tell the truth, and he is sworn to tell the truth. He is going to tell you the truth, and keep back nothing. He is just going

to open himself to you and tell you gentlemen how the thing is, so you might know.

The CHAIRMAN. Go on; we are waiting.

PLENTY COOS. All the Indians are allotted, occupying all the river courses and all the creeks, etc., and there is no possible chance for any homesteader or any white man to come and occupy those hills. They could not make a living on those bare hills, because we, the Indians, have got all the water courses and all the bottom lands, and, therefore, it would be just simply throwing that land away, practically; and we want to occupy it as we always have, because we have everything—that is, the water. The water is the principal thing down there, and we have that, and we want to keep it in connection with the land. We want to keep both, and we will show you why.

He appears here before this meeting abruptly, and he is not exactly in position to talk on this bill now, and he wants to be excused and get his delegation together and talk the matter over and come up next day or in a few days and tell you more fully.

He is trying to tell you everything, as it were, from the beginning to the finish, of the Indian life, and he wants to more fully show you why he would like to retain those lands for himself and his children, because he will have use for them for his own stock, because all the bottom lands and the river courses are in allotments, leaving only the bare hills; the grazing lands and the open in that part of it is going to be thrown open, and he wants to keep those bare hills for his own cattle and horses.

He will stop now.

The CHAIRMAN. Well, then, his objection is not so much to the form of the bill as it is to the effect of opening the lands. Can you make that plain to him?

PLENTY COOS. Now, he says, we have threshed the whole thing from beginning to end, and whipped it back and forth until we seem to understand it; but he wants to know—supposing we object to letting of the whole reservation go, what kind of an answer would we get? Can we keep our reservation after we show you the facts that we object?

The CHAIRMAN. You can, unless Congress opens it.

Senator CURTIS. You tell him that at the next meeting we would like to have him give all the objections he has against opening the reservation.

PLENTY COOS. He says he will bring everything and show maps and everything else, and try to show up all his objections as clearly as he can put them forth.

Senator CURTIS. I wish you would also ask him if he wants to say anything about the horse bill. If he does, after he gets through with the land bill we would like to hear him on that.

PLENTY COOS. Yes, sir.

Senator CURTIS. Well, now, will he be ready to-morrow morning with his maps and everything?

PLENTY COOS. All right, to-morrow morning.

The CHAIRMAN. Ten o'clock, tell him.

Senator DIXON. I had a talk with the whole delegation the other evening, and what they asked me was this: If the Indians say they do not want the reservation opened, can Congress open it?

The CHAIRMAN. Tell him Congress can open the reservation, whether he wants it or not.

Senator CURTIS. That is, if Congress wants to.

The CHAIRMAN. Tell him that the Supreme Court of the United States has decided that Congress can open any of these reservations that it sees fit to, even if the Indians do not want them opened. That will answer his question, I guess.

Senator DIXON. Yes; that will answer it.

PLENTY COOS. Now, he heard about that. But supposing if he has got the land, and shows a good reason why he objects, and shows you people plainly why he objects, will you throw it open?

Senator CURTIS. You tell him that is what the committee wants to hear him on, any they will pass upon it after the hearing.

PLENTY COOS. He says he is the chief of the Crows, and considers himself a man, and likes to speak to a man face to face, and he shared with the white people the hardships of opening up the western country, and he ought to be granted some request from him.

Senator CURTIS. Tell him he will be heard, and heard fully.

PLENTY COOS. He says he wants a copy of the talk to-morrow.

The CHAIRMAN. All right. Is that all?

PLENTY COOS. Yes, sir.

The CHAIRMAN. We will adjourn until to-morrow morning at 10 o'clock.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
April 4, 1908.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (chairman), Sutherland, Brandegee, Curtis, Brown, Dixon, Stone, and Paynter.

STATEMENT OF MATTHEW K. SNIFFEN—Resumed.

MATTHEW K. SNIFFEN was recalled for further examination.

The CHAIRMAN. Now, Mr. Sniffen, you may proceed with your testimony.

Mr. SNIFFEN. Mr. Chairman, I suppose the letters of protest regarding Mr. Dalby, and the one in which I transmitted that letter that came to me from the Crow Indians, will be made part of the record later on?

The CHAIRMAN. Not unless you desire it.

Mr. SNIFFEN. I would desire that that be done.

The witness here offered in evidence paper marked "Exhibit M. K. S. No. 2," and the same is received.

He also offered in evidence paper marked "Exhibit M. K. S. No. 3," and the same is received.

He also offered in evidence paper marked "Exhibit M. K. S. No. 4," and the same is received.

Mr. SNIFFEN. Some affidavits were filed with you, I believe, by Mr. Brosius. I refer to those affidavits in one of these exhibits relating to the investigation of what they called the unfortunate lack of restraint on the part of Mr. Dalby with relation to the Crow investigation.

The CHAIRMAN. You say there was an affidavit filed with the committee?

Mr. SNIFFEN. Yes, sir.

[NOTE.—The several affidavits were forwarded to the Commissioner of Indian Affairs.]

Mr. SNIFFEN. In my statement of two days ago, it was mostly covering the fact that information which had come to us largely to a certain extent in the line of what Mrs. Grey has been laying before you. We endeavored to make the attempt to verify that by personal examination and, as I stated, this we were not permitted to do by the Department or its representatives. I might add also that that was the first time in the history of our association, going back twenty-five years, that we have not had free access to an Indian reservation.

Now, as to conditions on the Crow Reservation. Of course I am unable to speak from personal knowledge. Things may or may not be as asserted, but that is one of the things we would like very much to know. If the charges have any foundation in facts it will be very easy to ascertain it. I think I am safe in saying that there has been no real, thorough investigation of affairs at the Crow Agency. The very fact that Mr. Dalby practically at the beginning of his examination swore at Joe Cooper of itself was enough to show that he did not possess the proper temperament for such an important position. Anyone who knows Indians will readily understand that you can lead them more easily than you can drive them, and his methods seem to be those of driving. Many of the Indians feel that they are being wronged and are unable to secure any redress, as I said this morning, due to misunderstandings on their part in some instances, or caused by real grievances.

The CHAIRMAN. When you say many of the Indians feel aggrieved you refer to statements which Indians had made to you?

Mr. SNIFFEN. Yes, sir.

The CHAIRMAN. Please give their names.

Mr. SNIFFEN. For instance, Jim Carpenter, Joe Cooper, Packs-the-Hat, Yellow Crane, Bad Heart, Ben Spotted Horse, Spotted Rabbit, Hides and Wet.

The CHAIRMAN. What was the nature of their complaint to you?

Mr. SNIFFEN. It was general. For instance, there were four of these Indians I saw at Parkman; each one made the statement like this: We were sitting in the little schoolhouse there, and they said, "Suppose you were here, comfortably seated, and heard a child outside in the cold suffering and crying, what would you do?" I said: "I would go to help that child." They said: "We are just like a child. We are helpless; we want you to help us." The grievances were in the nature of what has been covered by the statement of Mrs. Grey.

The CHAIRMAN. Well, we would like to have you tell us, as nearly as you can, what these Indians complained of to you?

Mr. SNIFFEN. They complained that they could not get their rights; for instance, one of them spoke of horses being interfered with; not being able to sell them; and in another case where the cattle were allowed to roam over their land they stated that they had made a complaint to the agent, but no action was taken. They were also very much opposed, and they felt that this was a grievance,

to the matter of attempting to throw open the land, through the bill which has been mentioned, and the proposition to form a horse-breeding corporation.

The CHAIRMAN. Did these Indians make any complaint to you of a specific character?

Mr. SNIFFEN. Not at that time. Those that I am speaking of had only a short time, and they were afraid that if it were known they were talking to me they would be arrested.

The CHAIRMAN. Did they say they were afraid?

Mr. SNIFFEN. Yes, sir; they did.

The CHAIRMAN. That is what we want you to state, whatever was said, so that we may know what was said, as distinguished from what you may have drawn as a deduction.

Mr. SNIFFEN. For instance, they were speaking especially of the council or meeting that had been held at the agency. Packs-the-Hat, for instance, told me he wanted the delegation to Washington opposed. He said it was not the wish of the Indians to have the reservation opened, nor to have the horse-breeding proposition go through. Yellow Crane also stated that he had never consented to give anybody authority to take his lands, and yet they are going to take it away. He said: "Help us until you see that we get our rights." He said: "Stay with us till the end." Another one of the Indians, Ben Spotted Horse, said that he thought there was some fraud going on at the council. He does not know for certain, but he thinks there may have been some forging done with regard to the names, and he says if there is any fraud he wanted to check it. He got to the agency after the council was over, and says that there was not the scratch of a pen giving any names, that there were about 75 at this council. Black Heart made the statement that it was the Crow Indian Lodge that were trying to hold the land for the Indians, and not to let it go, and that he was opposed to both bills. Joe Cooper said he was opposed to both bills, and there was no general call for a meeting. It is claimed that Inspector McLaughlin stated that he notified the Indians to come, and Mr. Cooper says this is not the case. Certainly there were not more than 75 there. Jim Carpenter states that before the council closed on the second day—I think that was February 12—all got up and protested against the horse-breeding proposition, and told Frank Shively that there was a scheme to fool the Indians in some way, and he said if the Indians wanted to find out the truth whether they can force us to sell our lands or not, we will go to Washington and ask the President. If he, as President, says they can, we ought to fix it more satisfactorily. Jim was giving me an account of the version of the council there, and he said in the afternoon of the same day Plenty Coos spoke about as follows: "All the words I said yesterday are just like a man that spits and covers it up. I withdraw all I said. I did not say yes, and I did not say no. I want to see the President, but right now I refuse." That is Plenty Coos's statement. This, Mr. Carpenter says, relates to both bills—that Plenty Coos did not want to listen or say anything, and wanted to see the President before he came to a conclusion about it. Jim Carpenter also states that Inspector McLaughlin told the Indians that they could not help themselves in this matter; that they were going to take the land away from them, whether they wanted it or not, it was going to be thrown open.

Senator CURTIS. Who said that the inspector said that?

Mr. SNIFFEN. Jim Carpenter states that Mr. McLaughlin told the Indians that they could not help themselves in this matter; that they are going to take the land from them whether they wanted it or not. It was going to be thrown open, and, according to Jim Carpenter, Horace Long Bear said: "We want to send those who help themselves; we want to send the boys who are not bought; we do not want to send anybody who is bought." All the Indians agreed to this. After supper time, when the next meeting was called, Frank Shively, Big Medicine, Miller, and Fire Bear were all there together. They were writing out names. Fire Bear called out six names and said: "These are the ones we want to send." He said: "I want you to be quiet. I am going to announce the ones who are to go to Washington." That was the delegation. Fire Bear, one of the policemen, said to Jim Carpenter: "You sit down; you have no voice in this." He meant, you should not have a voice in this. And, according to Jim, that scared the others, and nobody wanted to talk afterwards about the bills.

The CHAIRMAN. Was this statement of the policeman made in your presence?

Mr. SNIFFEN. No, sir.

The CHAIRMAN. It is your recital of what occurred in the council, is it?

Mr. SNIFFEN. Yes. Jim further says that whenever any of our people got up to talk about the matter Clerk Miller, who was reporting the council, did not take down their names.

Senator PAYNTER. When did this occur?

Mr. SNIFFEN. That was in last February; I think it was about the 12th or 13th. Packs-the-Hat is said to have remarked, by Jim Carpenter, at this meeting: "We do not give any authority or any power to anyone; we just send them there to fight it and listen." He asked if Joe Martinez would go as representing the Lodge Grass district. Yellow Brow also wanted Joe Martinez to go. This is from Jim Carpenter: "When any of our people got up to talk against the matter, Clerk Miller who was reporting the council, did not take down their names. I am sure that Frank Shively did not properly interpret." Scratches his Face wanted McLaughlin to raise his hand, that the President sent him, but he refused to do this. McLaughlin said he raised his hand every four years when he took the oath of office. He was willing to convince the Indians in any other way, but not to swear; and also told them that he had been in the service for twenty-eight years, and that ought to be sufficient to convince the Indians he was right. This caused a doubt among the Indians that the President had sent him. All the time that Inspector Dalby was amongst the Indians he was constantly raising his hand. The Indians were told by One Star (a policeman) according to Jim Carpenter, that if Joe Cooper or Joe Martinez made a talk, they ought not to be listened to.

Now this is a statement that was made to me by Joe Cooper, who was present when Jim Carpenter was telling this to me, and he agreed with what was said at that time on the subject.

Horace Long Bear wanted McLaughlin to simplify the bills so the Indians could understand them. There was nothing said of it and Mr. McLaughlin did not answer the question.

On February 9, while I was at Helena, I received a telegram from Horace stating that "Plenty Coos, Bell Rock, and Old Crane called to

Crow Agency; something wrong." That was evidently regarding the council or meeting, and it shows on the face of it that these Indians did not know that the council was being held. Shall I submit this as an exhibit?

The CHAIRMAN. Yes.

The paper is marked "Exhibit M. K. S. No. 5."

Mr. SNIFFEN. And we have two other telegrams, one under date of February 11, addressed to Joe Cooper, as follows:

Yes; holding the council to-day and night.

DAVE STEWART.

I presume he sent an inquiry as to whether a council was being held. The other was under date of February 12, from Crow Agency, addressed as follows:

TALKING PIPE, LODGE GRASS, MT.

Council to-day. Have Knows His Coose, Packs the Hat, Bear Claw, Bright Wing, and Dont Mix come at once.

JOSEPH MARTINEZ.

Now, in the statement that Jim Carpenter made he said that when the Indians met at Lodge Grass, after the council, he said to Scolds the Bear: "You made a mistake on your side when they called us to go to the agency. If you knew what it was about, why didn't you tell us?" He said: "Every time you speak you must have something to say against us. We do not know what we were called there for." A number of Indians, according to this same authority, went to the agency on their own account, and, as I have said before, they held that there was no general council called. They said that Carl Leiter and Frank Shively were the official interpreters for Inspector McLaughlin.

I have referred to Mr. Dalby's denial that he lost his temper in these affidavits which are on file, because it seems a great deal has been made of that. You may recall that he made the statement that he was not angry, and he used that profane phrase deliberately and for the sake of emphasis. That seemed to convince Secretary Garfield that he had been able to retrieve himself with the Indians, according to his explanation.

Now, those four Indians that I have mentioned—Packs the Hat, Bad Heart, Yellow Crane, and one other Indian, besides Plenty Coos, Wet, Hides, Strikes Himself on the Head, Spotted Rabbit, and Upshaw, who was the interpreter at that time—they all agreed with the substance of Joe Cooper's statement that Mr. Dalby did lose his temper, and that he swore as charged, and ordered Cooper to get out of the tent; and they felt that just that one thing alone was sufficient to destroy their confidence in him; that he could not take up these matters fairly, and we have taken the ground that the Secretary—that is, we could not vouch for the accuracy of the statement that had come to us with faith that Mr. Dalby had not been able to get the confidence of the Indians, and secure what they could say. In fact they told me, most of those Indians, that they would not talk to him and would not talk to any inspector that might come from the Department at this time.

With regard to the general subject of Mr. Dalby, there are certain surface indications that seem to make one feel that the subject is by no means a finished one, and that is the promise of those who have sought to secure a hearing for the Indians. Mrs. Grey has told you of some of her experiences, and I need not go into that. But on the

occasion of our interview—that is, a committee from our association—with Secretary Garfield, in which we brought to his attention the conduct of Inspector Dolby—the subject came up in a general way, and I have the most vivid recollection of the Secretary stating, in reply to a question about Mrs. Grey, that she was an adventuress, and my impression is also corroborated by the statements of others of our committee who were there, including Mr. N. D. Miller, and E. M. Wister, both of Philadelphia, and Mr. Brosius, of Washington.

Mr. Dalby also seems to have a most vindictive feeling against Mr. J. G. Burgess, who has been the missionary on the reservation for twelve years, and he recommends that he be removed from the service on the ground that he is weak and that his presence there is really a detriment to the Indians; that he has listened to those who made statements and did not take pains to make sure of their reliability. In fact, all through Mr. Dalby's report he seeks to discredit, as I understand it, all who made any complaint, and he seeks, as you may see, to give a certificate of good character to all who are in the investigation with him, and his report is enough itself to raise suspicion. When the arrest and imprisonment of Mrs. Grey was brought to the attention of Herbert Welch, whom you may know, he took pains to make inquiry as to her character and standing, and he received the strongest kind of letters of good character from such men as ex-Governor Lind, of Minnesota, Judge Ben Lindsay, of Denver, Martin Hutchins, who is managing editor of the Chicago Journal, H. A. Reiwitch, who is one of the editors of the Chicago Record-Herald, and others.

Now, to people who have been following Indian affairs it seems strange that the Department would reverse its general policy—I will call it the general policy, with reference to what has been its policy in the past. I have known cases of Indian agents who were guilty of violating United States statutes and liable to fine and imprisonment, who have not been dismissed, but were simply allowed to resign from the service. Under such circumstances it is difficult for me, at any rate, to understand why, in the case of a woman whose only crime, if you wish to call it such, was a desire to render a helping hand to those who seem unable to take their own part, she should not only be prosecuted at the instance of the Department, but appears to be persecuted as well. I would much prefer to believe that the situation on the Crow Reservation is as it should be, and that there is no foundation for these charges; but it seems to me, under the present circumstances, that it is hard to believe that there is not something there that ought to be looked into, and if you could secure a proper investigation, provided that there is nothing wrong, it would certainly remove what you might call a halo of smoke that is hovering over the reservation at this time, and so long as it exists there is bound to be a condition of unrest among the Indians. If nothing is done to remedy the situation it is likely to become more acute. You know when they might have a misapprehension about a matter—for instance, this agreement that was made with them in 1899—they remember all the provisions by which they were to have a hospital founded for them, cattle issued, houses built, and so on, and that this $1,150,000 was to be paid them. Now that was all changed. Really

that is the method of payment when the bill was actually enacted, and instead of the Government paying the money outright, it has to be derived from the proceeds of the sale of land. Now, whether that has ever been explained to them or not I do not know, but they ask what has become of this money, and why they do not get it. There is evidently some misunderstanding.

Senator PAYNTER. Mr. Sniffen, will it interrupt your statement for me to ask you a question?

Mr. SNIFFEN. Certainly not.

Senator PAYNTER. I understand your society is an organization that has no kind of interest in these Indian matters except to try to benefit and improve the condition of the Indians.

Mr. SNIFFEN. Yes, sir.

Senator PAYNTER. Now, has it the means with which it could send some one out there, some fair-minded, impartial man, to go among these Indians and get information touching this complaint that is made against the agency out there and against the management of their affairs generally?

Mr. SNIFFEN. Well, it had the means to make the attempt twice. When Mr. Brosius went out there last summer, after Mrs. Grey had been arrested and Inspector Dalby was conducting the investigation at the time, and Mr. Brosius's presence seemed to be obnoxious to him; he told him, according to Mr. Brosius's statement, very emphatically, that he had no business on the reservation.

The CHAIRMAN. Mr. Sniffen, I presume the inquiry is suggested by the idea of possibly, in some form, having some one go there, and to that end the Senator would like an answer to his question, whether you are in position to furnish it.

Mr. SNIFFEN. I would say yes. I want to say that we have sent two persons out there for that very purpose.

I think, Mr. Chairman, that I have covered everything I desire to say.

Senator PAYNTER. Did Mr. Brosius represent newspapers, or simply represent your society?

Mr. SNIFFEN. Mr. Brosius was our Washington agent.

Senator PAYNTER. How old a man is he?

Mr. SNIFFEN. About 50 or 55.

Senator PAYNTER. Has he had large experience in these matters?

Mr. SNIFFEN. Yes, sir; he has been in it for nine years.

There is one other letter, Mr. Chairman, that I would like to submit in evidence, as showing the feeling of the Indians with regard to the council, that came from Arnold Casto.

The CHAIRMAN. That may be received.

The paper is offered in evidence and marked "Exhibit M. K. S. No. 6."

Mr. SNIFFEN. It seems to me that if everything is thoroughly straight on the resevation no harm could come from a proper investigation that would bring out the facts. If there are matters that ought to be corrected, good will come of it. But what the committee would think best to do I of course do not to pretend to say.

The CHAIRMAN. Have you any further statement that you desire to make?

Mr. SNIFFEN. I think I have covered everything.

Senator CURTIS. How many years have you been with the Indian Rights Association?

Mr. SNIFFEN. Twenty-four years.

Senator CURTIS. During all that time has the Department ever before refused to permit one of your agents to make an examination of an Indian reservation?

Mr. SNIFFEN. Not to my knowledge.

Senator CURTIS. Do you desire to say anything to the committee with reference to the advisability of opening up that reservation under that bill which is pending?

Mr. SNIFFEN. I think at the present time it would cause much more unrest among the Indians. They do not know how the provisions of the last agreement were carried out, and until that is explained to them, at any rate, it seems to me that it would cause more unrest than has existed for some time. I think on general principles that the sooner you can do away with the reservation and the whole reservation system the better it would be for the Indians, and that they must be brought up to a point where they can stand on their own feet.

Senator CURTIS. But, as you understand it, they have never had explained to them the change made in the agreement which was submitted, with their consent, in 1902, I think?

Mr. SNIFFEN. The agreement was made in 1899.

Senator CURTIS. The agreement was made in 1899, but the act of Congress was passed in 1904.

Mr. SNIFFEN. In 1904; yes, sir.

Senator CURTIS. And they have not had explained to them the changes, and they do not know what changes were made, and you think that until that is done it would be unwise?

Mr. SNIFFIN. I think so; yes, sir. And if you take the ground that they ought to be consulted, and that a regular council should be held to secure their formal consent, I can not see how the meeting that was held at the agency can properly be regarded as a full or general council; for there were only 75 Indians there, as I am informed, and there are probably 450 adult males in the tribe.

Senator CURTIS. There must be 500 adult males.

Mr. SNIFFEN. Yes, sir. But it does not say that a majority of the Indians were there.

Senator DIXON. Do you know anything about this Indian reservation; that is, the status of the Indians at this time, Mr. Sniffen?

Mr. SNIFFEN. On the Crow Reservation?

Senator DIXON. Yes.

Mr. SNIFFEN. Not from personal knowledge; no, sir.

Senator DIXON. As a matter of fact the Crow Reservation Indians are in better shape for opening their reservation than probably any other reservation in the West, are they not?

Mr. SNIFFEN. I can not say from personal experience.

Senator DIXON. Are not the Crow Reservation Indians allotted irrigated lands that have been irrigated at an expenes of $600,000?

Mr. SNIFFEN. I understand that the Burke bill patents were delivered to the agency, I think, in February or January—early in this year, at any rate.

Senator DIXON. Do not the Crow Indians make a better showing, so far as farming operations go, in the raising of grain and hay and

stock, than any other of the western Indians in that northwestern country?

Mr. SNIFFEN. As I said, I have not been over the reservation and can not speak from personal experience.

Senator DIXON. Well, now, don't you understand that these are the conditions on this reservation?

Mr. SNIFFEN. They are the conditions, according to the official reports.

Senator DIXON. Is not it a matter of fact that the Crow Indians, since Mr. Reynolds has been their agent, have probably made a more wonderful showing in the matter of farming operations than any other Indians in the Northwest?

Mr. SNIFFEN. I would not be prepared to say; I would not say yes to that extent, because I do not know.

Senator DIXON. Have not the Crow Reservation Indians for the last three or four years annually held a county fair there at which they exhibited all their products of their farms and ranches?

Mr. SNIFFEN. Yes; they have.

Senator DIXON. And has not this fair of the Crow Indians been probably the model for the Indian reservation for the Northwest, to show their advancement in agriculture and the conditions under which they live?

Mr. SNIFFEN. That is possible. The Sioux Indians at Rosebud, for instance, I know hold their local fairs.

Senator DIXON. Do you want this committee to understand that you are against the opening of Crow Reservation?

Mr. SNIFFEN. I think under the present circumstances, if you take the ground that the Indians' consent should be secured, that it has not been secured.

Senator DIXON. Did you hear the statement of Chief Plenty Coos yesterday, when he said a little less than 100 Indians who met at the Crow Agency were delegated Indians from the different districts, appointed by the Indians of the different districts, to meet with Major McLaughlin?

Mr. SNIFFEN. I was not here when the statement was made.

Senator DIXON. If it develops that those were the facts, that at this council of about 100 Indians, as Chief Plenty Coos has stated, they were the delegated Indians from the different districts of the reservation, would you still say that there had not been a fair council held with them to consider the matter of the opening of the reservation?

Mr. SNIFFEN. If all the Indians had been notified and had not taken advantage of it, I would say that every effort had been made to secure a council.

Senator DIXON. Now, as to Major McLaughlin—you know him?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. Is it your judgment that he is a man who understands Indian affairs?

Mr. SNIFFEN. Yes, sir; he has been among them long enough.

Senator DIXON. He is a fair, honorable inspector, is he not?

Mr. SNIFFEN. He has that reputation; yes, sir.

Senator DIXON. If he states to this committee in his testimony that he did go to the agency, under instructions from the Secretary of the

Interior, and did give full and complete notice to the Indians of the reservation, and that this council, held at the agency, of something like 100 delegates from the different districts, was held, and that they were regularly sent there by the Indians of the different districts, would you then think that the council was not fairly held?

Mr. SNIFFEN. If the facts are as stated, I would think the council was fairly held; but I think that the protest that was sent in with the names of 140 of the Indians attached—the Indians may not be thoroughly conversant with all the rules governing the formulation of such protests or petitions, and felt they might have said: "You put my name on that," and did not witness it by mark—it was not carefully done. I am not prepared to say that all the names were written in one handwriting, but I think undoubtedly many were.

I think they represent the sentiment. Now, if the Indians were carefully selected from each district, as you say was done, it seems very strange that the Indians I came in contact with did not know of that transaction.

Senator DIXON. How many did you come in contact with?

Mr. SNIFFEN. I came in contact with at least a dozen.

Senator DIXON. Out of 500?

Mr. SNIFFEN. Yes, sir. Most of those were from one agency.

Senator DIXON. Now, the facts that you speak of, from a fair examination of it, are you not convinced that the names on there are written in probably two or three handwritings, with the exception of a half a dozen names at the beginning of the petition?

Mr. SNIFFEN. I would not say that with the exception of those few they were written by two or three handwritings, but a great many of them, I will say, were written by the same hand.

Senator DIXON. Is it not a fact that the Indians always are against the opening of reservations?

Mr. SNIFFEN. Sometimes they are. I think, as a general rule, that is the case.

Senator DIXON. Now, would you argue to this committee that because the Indians of a reservation are not in favor of opening it Congress should sit still and allow their judgment to prevail?

Mr. SNIFFEN. It all depends on conditions.

Senator DIXON. Now, if the conditions actually existing in the judgment of the Indian Department and of the men who know Indian affairs are such that the reservation should be opened, and the Indians allotted and started on the road to civilization in that way, would you still say to this committee that because the Indians object to the opening of the reservation that Congress should not open it?

Mr. SNIFFEN. I think if the facts are as you state them, and a fair council had been called and taken this action, that that puts a different phase on the matter; but I am sure that I am not convinced that a general council had been called.

The CHAIRMAN. That is a broader question, Mr. Sniffen, and I think the Senator is assuming that if the committee in Congress and those who have to administer these affairs should be satisfied that the reservation ought to be opened, we should not decline to open it simply because the Indians were opposed to it. We want your judgment on that proposition. It is a broad one.

Mr. SNIFFEN. Taking it as a general proposition, I should say no; as I have said, I think the reservation system has been one of the greatest curses to the Indians.

Senator DIXON. Where Indians are kept corraled on a reservation, do not these conditions that savor of Russia, as has been spoken of here in this hearing, always exist, practically?

Mr. SNIFFEN. To a considerable extent; yes.

Senator DIXON. Is not an Indian reservation always a very undesirable situation for both the Indians and the surrounding whites?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. And does not the system of leasing the lands of an Indian reservation invariably lead to suspicion and very often to a wrong condition of affairs?

Mr. SNIFFEN. Undoubtedly.

Senator DIXON. Is it not a vicious system to lease the reservation to three or four cattle and sheep men?

Mr. SNIFFEN. It certainly is a very vicious system.

Senator DIXON. And is it not the invariable result that a few big cattle and sheep men get the benefit of the reservation, and the Indians there get very little from it?

Mr. SNIFFEN. Yes, sir.

Senator PAYNTER. May I ask if that is true, if there is somebody there representing the Indians, why can they not require them to pay such a price for it and save that money for the Indians so as to operate as a beneficial act to the Indians?

Mr. SNIFFEN. They have an agent——

Senator PAYNTER. I am perfectly ignorant with regard to this reservation business.

Mr. SNIFFEN. The agent, as you might say, has absolute control over these Indians, and the great trouble in all Indian reservations is that there must be leases. If you are taking an individual's lands, it seems to me a mistake not to let him have a say in that matter. If he has a good piece of land and he can not use it himself and will not use it himself, and wants to lease it, I say let him lease it; but let him control the lease himself. He may get a very small price for it the first year. I do not think he ought to be tied up in a long lease, but let him have some individual responsibility in leasing it; and if he handles it himself it will not be long before he finds out what the value of that leasing privilege is. But if it is leased for him by an agent, for instance, he has no say in the matter, and can not learn from experience, and when the land is turned over to him at the end of the trust period he is pretty nearly in the position that he was when it was originally allotted to him.

Senator DIXON. Mr. Sniffen, if it develops in this hearing that the Crow Indians have been allotted——

Mr. SNIFFEN. They have been; there is no question about that.

Senator DIXON. Yes—and that the allotted lands are already irrigated, the ditches already dug, and nothing to do for them only to go and work—if these things develop in the hearing, and it is also shown that many of these Indians work at this time on their allotted land raising crops and making money, would you then say to the committee that it was not a wise policy to open this reservation, even though the Indians objected to it?

Mr. SNIFFEN. No; I would not. I would rather see Congress simply take the ground, if they feel this land should be opened, and open it on that principle, because under the Lone Wolf decision Congress undoubtedly has the right. We carried that case up to the Supreme Court to test the matter and clear the air, so to speak, and

learn whether these treaties or agreements were sacred and inviolable, and should thus be regarded by Congress. The Supreme Court decided that it was a treaty-making power and Congress had the right to disregard these treaties. But of course it assumed in doing so it would deal fairly with the Indians.

Senator PAYNTER. Was the Supreme Court decision that they should disregard a contract made by lease?

Mr. SNIFFEN. Yes, sir.

The CHAIRMAN. That is a fact.

Senator CURTIS. What would you say to the opening of the reservation in case we had entered into a contract with those Indians in 1904 to open the reservation and all the terms of that agreement had not been carried out?

Mr. SNIFFEN. I said to Senator Dixon that I thought under those conditions, if the provisions of these agreements had not been carried out, it would be unfortunate so far as causing unrest among the Indians is concerned, and it seems to me it would put Congress in a bad light—making promises or making agreements with those Indians, or contracts, if you wish to call them so, and disregarding the same, and, as they used to say, before the ink is dry on the paper another arrangement is put through. I believe Congress wants to deal fairly with the Indians, and that at times they are forced to act for lack of information.

Senator DIXON. Mr. Sniffen, do you think it is the part of true friendship to the Indian to insinuate to him that the agreement has not been carried out, even though not in the express terms of purchase as agreed on by these Commissioners in 1899, when as a matter of fact the act of Congress will give these Indians a million dollars in excess of the amount they agreed to sell the land for?

Senator CURTIS. Before you answer that question will you answer my question? Mine was that they had not yet derived the benefits, even of the changed agreement—that is, where the land had not yet been disposed of—and that they had received nothing under it—I do not mean a change in the agreement.

Mr. SNIFFEN. I did not insinuate anything of that kind. I am simply telling you that the Indians complain that they do not understand why these things that we promised them in that agreement have not been carried out; and I say that is one of the things that will cause unrest on a reservation and misunderstandings; and it seems to me the reasons why these provisions have not been carried out has apparently never been explained to these Indians.

Senator DIXON. Is it not the part of friendship for those Indians for the people who are now engaged in this work to frankly explain to them, if it never has been done, the fact that while the technical agreement was not carried out, Congress really has given them $2,000,000 in place of $1,150,000?

Mr. SNIFFEN. That is what it will give them?

Senator DIXON. Yes.

Mr. SNIFFEN. Yes; I certainly think that is a matter of fairness and friendship.

Senator DIXON. And is it not a mistaken idea for people to insinuate to these Indians that in some way the great Congress has wronged them, when, as a matter of fact, it has dealt twice very much more liberally than the terms under which they ceded part of the Crow Reservation?

Mr. SNIFFEN. I think the wrong comes in not making an explanation to them.

Senator CURTIS. In advance?

Mr. SNIFFEN. In advance. That causes a misnuderstanding, and the more that is allowed to go unexplained the worse it is going to become—just like a snowball starting down a hill.

Senator DIXON. As a matter of fact, has this not been explained to the Indians, and do not the intelligent Indians who know anything about financial transactions know that they are going to get double for the lands the price they originally agree to sell them for?

Mr. SNIFFEN. As the matter has come to me, according to my light, it does not appear to have been explained to them. Now, in this letter that I received here from Mr. Arnold Casto, he asked whether Congress had the right to take the land from them, whether they wanted it or not, and I said undoubtedly, under the Lone Wolf decision, Congress will have the right; and he wanted to know what they could do, and I told him if they had any statement to make to put it in the form of a petition and submit it to Congress for consideration.

Senator PAYNTER. What was the result of this council meeting to which reference has been made? Did they express an opinion as to whether this reservation should be opened? Was that the purpose they were called together for, of considering that?

Mr. SNIFFEN. As I understand it, they were called for the purpose of considering and giving formal consent to the bill to open the surplus land.

Senator PAYNTER. Were the proceedings recorded by Frank Shively and Fred Miller?

Mr. SNIFFEN. Yes, sir.

Senator PAYNTER. I have not seen the proceedings. Have you read them?

Mr. SNIFFEN. No, sir; I have not seen them.

Senator PAYNTER. I just simply wanted to know whether they were recorded as expressing an opinion favorable to the opening of it.

Mr. SNIFFEN. I presume Inspector McLaughlin has that a matter of record. In what shape it is I do not know.

Mr. REYNOLDS. That was the same council.

Senator DIXON. It was all the same council. Mr. Sniffen, from your knowledge of this reservation and the act of Congress opening the ceded strip, what is your own opinion as to the amount of money the Indians will receive in the next four years from the sale of this land as compared with the amount that they argeed to sell it for?

Mr. SNIFFEN. How many acres were opened under that?

Senator DIXON. About 1,100,000.

Mr. SNIFFEN. You understand that I have not been over the reservation and do not know from personal knowledge what the actual physical conditions are, but my impression is of the land that I have seen on what was originally the reservation, the ceded strip, for instance, that it is very good land and certainly ought to average $4 an acre.

Senator DIXON. Then that would be four times the amount which the Indians agreed to sell it for?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. Then, has Congress acted wisely or unwisely in technically changing the manner of payment originally agreed upon?

Mr. SNIFFEN. I have no question of Congress' wisdom in the matter. I think that the mistake was in not explaining this to the Indians. As a rule, the Indians are a reasonable set of people, and they have a right to know about their affairs, and it is only proper that those things should be explained to them. I believe on all the reservations if the agents would take the trouble to properly inform the Indians as to what is going on with respect to their own affairs, that there would be less friction and trouble.

Now, among the Navajos—well, I will qualify that, because the Navajo Reservation is divided into four districts, and two of them that I know of, Fort Defiance and what was called the western extension—they have a habit of holding a regular meeting once a month. The representative Indians from the different districts bring them in there and talk over these different affairs and explain matters to them. Among the Sioux the Department has adopted the practice, where it has anything to communicate to the Indians, of having it put in their own language. The Sioux have it reduced to written form, and that can readily be done. Among the Crows that is impossible. I do not know that there is a Crow dictionary in existence, or a Crow grammar. Those things are largely a question of administration. Congress may take the proper actions, and if they are not carried out as Congress expected them to be, in matters of administration through the Indian Office or through the local agency officials, the good that Congress intended should be done is often lost.

Senator CURTIS. Your association has never questioned that it was best for Congress to change those agreements so as to give the Indians all that the Government received from the sale of the land, rather than to pay them a limited sum of $1 or $1.25 or 70 cents an acre?

Mr. SNIFFEN. No; I have no question about that.

Senator CURTIS. It is the opinion of all that it is much better?

Mr. SNIFFEN. Yes, sir; I think it is much better.

Senator DIXON. In the present Crow bill—did you read it?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. Is it not still a better plan to appoint appraisers and give the Indians representation on a board in the matter of appraisement of land, as is done in the present bill?

Mr. SNIFFEN. That is what we have advocated all along, instead of opening the land that was to be opened for a flat price, to give them the benefit of the present market value.

Senator DIXON. From reading the present bill to open the remainder of the Crow Reservation, is it not a fair and equitable measure for the Indians themselves?

Mr. SNIFFEN. It seems on the face of it, as I recall it, to be a fair and equitable measure for the Indians; but I say matters of that kind depend on how they are carried out after they become acts of Congress. You understand my position?

Senator DIXON. Yes. Then, so far as the provisions of this bill are concerned, you believe it is a fair and equitable measure to get for these Indians every dollar that is possible in the disposition of this surplus land?

Mr. SNIFFEN. I think it is certainly fair. And I make the suggestion, further, that the number of commissioners should be reduced from five to three.

Senator DIXON. To save expense?

Mr. SNIFFEN. Yes, sir; and that would mean more for the Indians.

Senator DIXON. Is it not a fair plan usually, and do we not give the Indians more of a voice if they can select two men than to leave the entire disposition of their lands to one?

Mr. SNIFFEN. I think as a general proposition, yes. It would depend on what the situation is at the agency, for instance.

Senator DIXON. Would not the Indians be better safeguarded by having the commissioners than to cut it down and give them only one, as you suggest?

Mr. SNIFFEN. I said cut it down from five to three. It would all depend on the character of the men who were selected.

Senator DIXON. But as a general proposition is it not as fair to have two men pass judgment as to leave it to one exclusively?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. And the extra cost of the two extra appraisers would not probably be one-tenth of 1 cent per acre on the land involved.

The witness was thereupon excused.

STATEMENT OF MRS. HELEN PIERCE GREY—Recalled.

Senator DIXON. I want to ask Mrs. Grey one or two other questions. Mrs. Grey, after all your knowledge of the reservation, in your opinion, is it wiser to keep these Indians shut up in an Indian reservation or to—

Mrs. GREY. I would open every Indian reservation there is in the United States, and others I would open in such a way that the Indians would not be made landless beggars and paupers in a few months and come back on the citizens of the United States to have them buy land for them again as they are coming back now. You have had two or three appropriations, I think, in the last few years to buy lands for these Indians who have been once given land. As Plenty Coos said, the irrigated lands have been allotted; no one can live on those lands. If they open the land, the white man is bound to take that irrigated land and the Indians have got to get off, and that makes him a pauper.

The CHAIRMAN. You stated in the last Indian bills provision was made to buy land for Indians who had once been given land. Will you please refer to that instance?

Mrs. GREY. Take the Indians in southern California who had land given, and the Kickapoo Indians—is that not right? Then this wandering band that came into Montana that had to be given some lands.

Senator CURTIS. Did those Indians in California receive their land as a grant from the Spanish Government, and by reason of the neglect, you might say, of protecting their interests on the part of the United States Government that ground was leased to them, and they never had any land from the United States, and by reason of the fact that that land was finally taken from them by decision of the Supreme Court money was voted to buy them some land?

Mrs. GREY. Then I will take that back.

The CHAIRMAN. The relief asked here was based on the theory that they had never received any land.

Senator CURTIS. That they had been a wandering band and never had been allotted.

Mrs. GREY. How about the Utes who left the reservation, the Utes that were taken to Fort Meade; were they not given some land? Were we not going to buy more land for them?

Senator CURTIS. I think not.

Mrs. GREY. Well, were they those Utes who were at Fort Meade?

Senator CURTIS. I do not know.

Mrs. GREY. I had them in mind when I spoke. They left the reservation because after the reservation was open their agent, Mr. Hall, said in his report that there was nothing but starvation and extinction offered them at home, and they left the reservation, and what has become of them?

The CHAIRMAN. You opened your statement with the suggestion that money had been appropriated to buy land for Indians who had been formerly given lands by the Government. I have been here seven years, and I do not know of an instance of that kind.

Mrs. GREY. Well, I took that back. It is too broad.

Senator CURTIS. We gave them an amount of money in this last appropriation bill to settle claims they pretended to have against the Government amounting to a million and a half or two million dollars.

Mrs. GREY. But did not the Government give them this money to buy land again for them?

Senator CURTIS. No; it was given them in full settlement.

Mrs. GREY. That was for land?

Senator CURTIS. Yes; they still have land in Oklahoma. Some that went to Mexico were robbed out of their money by land speculators and land grabbers, and we are trying to recover that back for them.

Mrs. GREY. I will simply put it the other way, then, that unless the Government does protect them in this they will be landless.

Senator PAYNTER. Mrs. Grey, I would like to get some information on this matter. You say that all these reservations ought to be opened?

Mrs. GREY. Yes.

Senator PAYNTER. You say the Government ought to preserve to the Indians such land as it allotted to them?

Mrs. GREY. Yes.

Senator PAYNTER. Well, your proposition, then, is to place some kind of restriction upon alienation?

Mrs. GREY. No; I would not have any Indian agent——

Senator CURTIS. You did not understand Senator Paynter. He said alienation. Would you place any restriction on the right to sell it?

Mrs. GREY. Yes, very much. If I had my way, no Indian would ever sell his land.

Senator PAYNTER. You were complaining yesterday because Frost could not sell his land.

Mrs. GREY. Frost has a good many acres; he has an awful lot of land. He has a lot of dead allotments, you see. They have all accumulated. He has more land than he can handle and more land than is of use to him. Let them sell the dead allotments, yes; but I would make each Indian keep a home for himself, and especially not

sell any of the children's land. Let the child when he comes of age have something coming to him.

Senator DIXON. Do you not know that Congress has always expressly provided for that, that an Indian can not sell his land for twenty-five years after he is allotted?

Mrs. GREY. How about it when he owns a patent under the Burke bill? If his agent says he can have it, he can have it.

Senator CURTIS. He must file an application and show that he is perfectly competent to transact his own business.

Mrs. GREY. Now, in this case of Miliken, if you find that his application for citizenship is on file, and that he is an epileptic, and is on the verge of going to the insane asylum, and he has leased a piece of land, would you say he was a man who should be made a citizen? That is the way they do it. The Burke bill should have been passed; it was one of the best things for the Indians that could have occurred, if we take out that one provision, that the agent was the one to pass on whether he was eligible to become a citizen.

Senator CURTIS. The agent does not pass upon that; it is the Secretary of the Interior.

Mrs. GREY. He has the recommending of it.

The CHAIRMAN. That is a matter of regulation of the Department.

Mrs. GREY. Oh, I might have known that.

Senator DIXON. Then, if the lands of the Crow Indians, where it was allotted to them, are properly protected so that they can not dispose of them, you say to the committee, then, in your opinion, the reservation ought to be opened.

Mrs. GREY. I say if there is any surplus land there that the Indians really have not a right to, then it should be opened for the benefit of the homesteaders who want to come and take up that land, but it should be done in such a way that it will come to the homesteaders and not as I see it coming on the Crow Reservation. Now, the fact is——

Senator PAYNTER. As you see it come on the Crow Reservation. What do you mean by that?

Mrs. GREY. I have tried awfully hard to show it here, but I do not think I have made myself clear. Take it this way: Suppose an Indian is living on a piece of land on the ceded strip and he has got a little improvement on it, and suppose that somebody wants a piece of land, you will find that when the reservation is opened this land and all the good pieces of land nearly were wanted. They take the improvements and sell them at public auction, it is supposed to be, and the man who takes the improvements gets this piece of land. Now, if it is not done that way, it can not be done, or give the man a Burke patent, and he can be induced to give it up; so all you have got to do is to get the right Indian on the right piece of land and bring the right influence to bear and you get his land.

Senator CURTIS. But that statement of yours concludes that the Indian agent and all the parties connected with the Government are going to connive with other people to get the Indian's land, which is a very violent presumption, it seems to me.

Mrs. GREY. I do not say they are going to. I say it leaves it open so that they can, does it not?

Senator CURTIS. Under the existing law, no. The Indians are given their allotments. Those allotments last, as Senator Dixon

says, for twenty-five years, and they can not be alienated unless restriction be removed by the Department of the Interior upon application of the Indian himself and after a showing. Now, if an Indian inherits land under the general law, he has a right to file an application to sell that land. It must be advertised; there must be notice given, and everybody will be given a chance to bid on that land, and it goes to the highest and best bidder.

Mrs. GREY. But I say it does not go to the best bidder. That is what I disagree with you on.

Senator CURTIS. Well, the highest bidder.

Mrs. GREY. The man who makes the bid must be a man of a great deal of money; he can not be just an ordinary homesteader, because when he makes his bid he must deposit with that bid the money to pay for that land.

Senator CURTIS. Well, there is not enough inherited land sold to make a general provision with reference to homesteading, but you know that in every Indian bill that has been prepared——

Mrs. GREY. I do not know anything about it.

Senator CURTIS. Well, every Indian bill that has been prepared gives preference to the homesteaders; every one of them.

Mrs. GREY. I know it gives preference in the bill, but at the same time it makes this provision. The homesteader is a poor man. The man who is going to live on an Indian reservation is not a man who is going to tie it up in a bid to get that land.

Senator CURTIS. The law has provided for payments at different times, making it easy for the man who takes the man, and Congress has extended the time of payment when it was not paid at the end of a year.

Mrs. GREY. I mean in buying dead allotments.

Senator CURTIS. That is a different thing. As I said a moment ago, there is such a small amount of that on the different reservations that you could not afford to make a provision that that should be opened up under the homestead law.

Mrs. GREY. I take it just the way I have seen it operate on the Crow Reservation. I refer to men like Charlie Bair and Mr. Gillette, those men who are capitalists and bid for this land and get it.

Senator DIXON. Would you sell the dead Indian land to the low bidder instead of the high bidder?

Mrs. GREY. I do not know; I am simply saying that as it is sold with that provision it can not go to the poor man.

Senator CURTIS. That is a question of the regulation of the Department to say whether they will sell this land on five years' payment, one-fifth down, or a ten-year payment, if they desire.

Mrs. GREY. But you know, Senator Curtis, that any man who is going to live among the Indians is not a man who has much money, and he has not got that money to put up for bids, so he must be a man who is a speculator in this land.

Senator CURTIS. The Department can make regulations and give the poor man a chance to buy on time.

Senator PAYNTER. Nobody can bid on it except the man who is going to occupy it. That does not affect the Indian seriously. That might be the effect of it.

Mrs. GREY. What difference would it make if he got the land down to $5 an acre—if the Indian got the $5 instead of the Government getting it?

Senator DIXON. The Government does not get the money.

Mrs. GREY. The dead allotment money must be deposited in the bank and it must be held there unless the Indian is decided to be competent to handle that. The money can be held in this bank. The price of money out there is 1 per cent per month; that is what they usually get for it. The Government pays 3 per cent interest. It lays there in the bank. What is the good of $10 a month to these Indians?

Senator PAYNTER. Is it not very much better for the Indians—whether it is better for the State of Montana is another question—but is it not better for them to get $10 an acre and let Mr. Bair have the property than it would be to let John Jones buy it at $5 an acre—I am talking about the Indian now.

Mrs. GREY. If Mr. Bair buys 1 acre and occupies 10 because he owns this 1, as it is now on the reservation, I would say very much better to let the poor man buy it for 50 cents an acre than Charlie Bair at $100 an acre, because the poor man will go there and improve; there will be a district school there, and the Indian children and the white children will grow up together.

Senator PAYNTER. Your idea is that it is better that the Indians have less money than for that condition to prevail?

Mrs. GREY. Yes, very much better.

Senator CURTIS. The object of the bill to sell the inherited land was to get settlers on this land making them subject to taxation and have them develop it and have people live among the Indians. That was the object of the bill.

Mrs. GREY. That is exactly what should be done, but what I mean to say is, not what should be done but what is being done on Crow Reservation. If you look at the lands that are bought, the dead allotment land—I do not know anybody who has bought dead allotment land and moved in there. I know fifty who bought the dead allotment land to speculate with, and that is my ground of complaint against the Lincoln Townsite Company. Not one of these men are going to live on that land. They are going to take it up as the Lincoln Townsite Company does.

Senator DIXON. If the Crow Reservation is on the square, to give the Indians the benefit of every dollar for the sale of their land, are those Crow Indians better off with the reservation open, or would they be better off as they now exist?

Mrs. GREY. They are far better off with the reservation open, provided that their irrigated lands are protected, but I think in a short time it would be just in the way Secretary Garfield was doing; he was canceling the patents of these Indians who were in the way of this Government irrigation project in Nevada, and giving them 10 acres of land on which an Indan would only starve.

Senator DIXON. I am talking about the Crow Reservation.

Mrs. GREY. There is the same spirit in this bill you are advocating as there is there; you will see it. Plenty Coos made the same point.

Senator DIXON. What is that?

Mrs. GREY. That the Indian may give up his irrigated land and take ten times as much of that that is not irrigated. Is that not in the bill?

Senator DIXON. I forget whether it is in the bill or not.

Mrs. GREY. If you make it so that they may do that, in a little while you will go back to that reservation under conditions as they are now, and it won't be made. Now, he must do it. I am speaking about the application of the law on this reservation as I have seen it myself. You can not look just at one place.

Senator DIXON. Will the Crow Reservaiton be better off with their land allotted so as to be protected from selling it, and the surplus land thrown open to settlement, or will they be better off to be kept there inside of this reservation as they are at this time?

Mrs. GREY. I say I would move the reservation. I would take away the agent; I would turn every farmer aff that reservation, and let the Indians have their land as they are doing in the Piegan Reservation. You were asking, Senator Paynter, if it can be done. As it is done on the Piegan Reservation I think it is an ideal thing for the Indians.

Senator PAYNTER. Where is the Piegan Reservation?

Mrs. GREY. In Montana; that is where Senator Carter sends sheep, and the Indians got together and put him off, and told him if he ever came back they would send him away tied up in a box, and send him so far that he never would come back. The man who helped to do it was in Helena, and Mr. Walsh asked him if he was the man who did that, and he said he was. He said, "Do you want to know about it?" and he said, "No," and the Indian replied, "I hope that man won't come back for his own sake." These Indians have a council there; they control their lands; they lease them, and every head of cattle that comes in they count; they do it themselves. The agent stands back and is instructing these Indians, and when they wanted anything they came there to get it; and they got it, too; and their agent stands by them. The Government has tried to remove that agent, but he is still on the reservation.

Senator DIXON. What reservation is that?

Mrs. GREY. The Piegan Reservation, the Black Foot Reservation; the bill has just been passed to allot it, but it has not been allotted yet and the Indians will not allow any sheep on the reservation.

Senator DIXON. Do you think that is a good thing—to prevent the Government from irrigating the land?

Mrs. GREY. I do; because they spend $10 where they might have spent $1, and on Crow Reservation you will find about half the ditches carry the water uphill instead of down.

Senator DIXON. You say they carry it uphill?

Mrs. GREY. Yes.

Senator DIXON. The reports that I have from the Crow Reservation all say that they have a most excellent irrigation system there.

Mrs. GREY. If you ever come to Crow Reservation to make this investigation, I will take you over No Water Ditch and Dry Farm and will show you the headwater gate. It is a physical impossibility for the water to get through. I have seen a beautiful ditch where the Indians were working for two years—one of the most beautiful ditches you ever saw, and there is not a drop of water in it.

Senator DIXON. Well, the Government engineers did that work.

Mrs. GREY. I am simply speaking of what I have seen there.

Senator PAYNTER. How much land has been allotted to an Indian on the ditch, that is irrigated—about how much land?

Mrs. GREY. I think there is no provision about irrigated land on that reservation. I think it is just simply his allotment is here; if it is on the ditch, it is on the ditch; and if it is not, it is not.

Senator PAYNTER. How much of an allotment does he get?

Mrs. GREY. The head of a family gets 320 acres and the child gets 160 acres, and the wife gets 160 acres. It is more land than a great many of those Indians can handle, but if he has land that land must be set aside until those children come home from school. A girl who has been kept like a nun for fifteen or twenty years and then comes home has not even a place to sleep. There are a half a dozen girls that I can tell you of. Where are they to go to; what becomes of them? You can realize that when those girls come home they are nothing—if they are paupers they are not Indians or white girls, what becomes of them?

The witness was thereupon excused.

STATEMENT OF PLENTY COOS.

PLENTY COOS was recalled, and through his interpreter, Carl Leiter, testified as follows:

The CHAIRMAN. You may proceed with any statement that you desire to make.

PLENTY COOS. I was here yesterday and stated to you that I would go back and think that over and come back to-day, and I am here now. I am going to tell you my reasons why I wanted to hold on to my land. I told this man here what I came here for, and now I want to turn the matter over to several members of my delegation and want to sit back and let the younger men tell you in English so the others can hear and I will go back and listen, with one of those English-speaking boys and show you my objections.

Senator DIXON. Are these delegates here representative Indians of your tribe?

PLENTY COOS. Yes, sir; they are the representative Indians of the reservation, selected after two days' and two nights' council.

Senator DIXON. Do you have confidence in the good intentions of these Indians?

PLENTY COOS. I am chief of the tribe, and everything is wide open, and there is no hesitancy on my part to say that I have entire confidence in the delegation.

Senator DIXON. Are they good men or bad men, this delegation?

PLENTY COOS. These members here are the selected of the tribe; the very best, and they are selected after a very careful talking in the council. I think they are the flower of the tribe.

Senator DIXON. Do you have a farm of your own?

PLENTY COOS. Yes, sir; I have one.

Senator DIXON. Is it alloted land?

PLENTY COOS. Yes, sir.

Senator DIXON. Who built that irrigate your farm?

PLENTY COOS. It was surveyed and planned out and the Crow Indian men did the work. It was built with the Crow Indian money, I think.

Senator DIXON. The Government engineers laid off the ditches and the Indians did the work and paid for it from their fund?

PLENTY COOS. That is what I say.

Senator DIXON. How many Indians along Pryor Creek where you live have allotted irrigated farms?

PLENTY COOS. I do not know exactly the number, but there are quite a number of them under the ditches on allotted land, and of course they pass beyond the ditches in the grazing land, but I could not give you the exact number of the Indians.

Senator DIXON. Do most of the Indians living on Pryor Creek where you live have allotted irrigated farms?

PLENTY COOS. The ditch on the Pryor, all the space under the ditch, is fully allotted to the Indians, but I do not know exactly how many Indians have lands above the ditch. I think it is about half and half.

Senator DIXON. About half of the Indians on Pryor Creek have irrigated farms and about half above the ditch?

PLENTY COOS. Yes, sir.

Senator DIXON. Do these Indians who have the allotted irrigated farm on Pryor Creek work their land and raise their crops or not?

PLENTY COOS. Yes; they all farm. That is the only support they have, farming—that is under these gardens, besides their stock.

Senator DIXON. Do you farm any yourself?

PLENTY COOS. I am chief of the tribe and as such I tell the younger men, "Come, follow me" and raise the crop for my own support and I teach the young men what I know myself.

Senator DIXON. What kind of crops do you raise?

PLENTY COOS. Everything that the ordinary farmer raises; there are apples in the orchard and grain and wheat and all other garden truck.

Senator DIXON. What kind of orchard do you have on your ranch?

PLENTY COOS. There are about four or five different kind of apples and other small fruit, currants and other things that orchards of my own can raise.

Senator DIXON. Did you sell any hay last year from your farm that you raised yourself; and if so, how much?

PLENTY COOS. Yes; I sold some hay like I do grain, wheat and and oats, and I keep some for my own use and sell some to the store for groceries and things like that, and I keep part of the hay for my own horses. I am trying to do exactly what the ordinary farmer would do.

Senator DIXON. How much hay did you raise last year?

PLENTY COOS. I had four big stacks.

Senator DIXON. About how many tons to a stack, if you know?

PLENTY COOS. One stack contained 18 loads; I had two containing 10 loads in each stack. The fourth one contained 16 loads comprising very nearly a ton to a load.

Senator DIXON. How many loads did the fourth one contain?

PLENTY COOS. Sixteen loads.

Senator DIXON. Then you raised about 54 tons of hay last year on your irrigated allotted land. How much wheat did you raise last year?

PLENTY COOS. One hundred and twenty sacks of wheat.

Senator DIXON. A sack holds 2 bushels, does it?

PLENTY COOS. Yes, sir; 2 bushels.

Senator DIXON. Then you raised about 250 bushels of wheat last year. How much oats did you raise last year on your irrigated allotted land?

PLENTY COOS. About 140 sacks.

Senator DIXON. That would be about 280 bushels of oats?

PLENTY COOS. Yes, sir. I raised big crops in former years, but I did not have a very large crop last year.

Senator DIXON. This last year's crop was not an average crop?

PLENTY COOS. Not an average crop.

Senator DIXON. How many acres did you have irrigated on your allotted land?

PLENTY COOS. Something like a little less than 80 acres.

Senator DIXON. Of irrigated land?

PLENTY COOS. Of irrigated land.

Senator DIXON. How much irrigated land is allotted to you and your family altogether?

PLENTY COOS. There were four people in my family that were allotted under the ditch about 80 acres to myself and 40 acres to my immediate family apiece.

Senator DIXON. That would make 200 acres of irrigated land allotted to you family. How much grazing land is allotted to those four people constituting your family in addition to the irrigated land?

PLENTY COOS. The number of acres of grazing land is more than the number of acres of agricultural land, and they are some distance away from this 80-acre ranch allotted to those comprising my immediate family, but I do not know exactly the number of acres.

Senator DIXON. Have you any children?

PLENTY COOS. I had two children of my own, but they are dead, and I am raising some of the children of the members of the tribe—the poor ones.

Senator DIXON. Are you married?

PLENTY COOS. Yes, sir.

Senator DIXON. How many times have you been married?

PLENTY COOS. A long time ago before I was fully under the control of the Government I was living with an Indian, practicing the customs of my family. I had ten at different times.

Senator DIXON. Besides the one you are living with now?

PLENTY COOS. I am living with one now, my wife,

Senator DIXON. This makes the eleventh wife you have had?

PLENTY COOS. The eleventh one.

Senator DIXON. Did you live with all of those ten at one time or one at a time?

PLENTY COOS. It is a little out of the ordinary for me to tell these things, but if you want to hear it I will tell you. I married these women, sometimes one and sometimes two, at different times, not all at once, but at different times.

Senator DIXON. How many cattle do you own?

PLENTY COOS. I only have 36 head now.

Senator DIXON. Did you sell any cattle this last year?

PLENTY COOS. A few; and I killed some for my own consumption, and I sold one or two to get money.

Senator DIXON. How many horses do you own?

PLENTY COOS. I do not know exactly; somewhere about 250.

Senator DIXON. How many horses did you sell last year?

PLENTY COOS. I sold in the neighborhood of 36 head.

Senator DIXON. What did they average you a head?

PLENTY COOS. I do not know the average, but they ran from $15 to $50.

Senator DIXON. From $15 to $50 a head?

PLENTY COOS. Yes, sir.

Senator DIXON. Did you sell those horses yourself or did the agent sell them?

PLENTY COOS. Those horses were mine and I sold them; I could do anything I wanted with them. The agent has no control over me about the selling of my own stock. I do exactly as I please with my own property.

Senator DIXON. Does the agent ever make you sell horses to men that you do not want to sell to?

PLENTY COOS. The horse buyers come there from the different locations of the country and when they come in they want to buy horses, and I make a dicker with the man who pays the best price, and I sell them if I feel like it. I do just exactly as I please about that.

Senator DIXON. In selling your hay, wheat, and oats do you sell to whoever you please or whoever the agent says you must sell to?

PLENTY COOS. I do that the same as with my stock. I take my crops—my grain—to the market, and wherever I get a better price for them. If one man offers a better price than another I will take it to him. I have my own steam machinery and everything that way. I take it to the Clarks Fork Mills, and if the store there or anywhere else offers better inducements for me to come over there, or give me more, I take it over there or anywhere else where I can get the best results.

Senator DIXON. The Clarks Fork Mills is off the reservation, is it not?

PLENTY COOS. Yes, sir; it is off the reservation. And there is a mill at the agency, and the Indians have a contract to furnish the Cheyenne Indians with flour, and if that is a better price I will send it there. I take it wherever I want to.

Senator DIXON. Has Agent Reynolds been a good agent for these people or a bad agent?

PLENTY COOS. He has been a good agent. Of course, there are a whole lot of people over there talking against him and other people are talking for him, but the majority of the people think he is the best agent they have ever had.

Senator DIXON. Has he made the Indians work more than the agents who have been there before him?

PLENTY COOS. The former agents issued us rations, etc., but the agent came there and the rations were cut off, but that seemed to only give the Indians an incentive to work and accumulate property of their own.

Senator DIXON. Why do you think Agent Reynolds is the best agent they have ever had?

PLENTY COOS. I think he has been a good agent by reason of helping the Indians to help themselves and building their houses, furnishing lumber for them, and wire, and the annuities—$6 every six months—and he helped them to increase that several times, and he is working for the best interest of the Crow Indians. That is why I think he has been a good agent.

Senator DIXON. Do you work yourself on the farm—plow and harrow and drive teams?

PLENTY COOS. Yes; I work myself for whatever I raise, and if anybody wants to help me do the farming I let them work, and if

they do not suit me I say "You go on and let me do this work myself; I can do it myself better."

Senator DIXON. Were you with General Crook in the campaign of 1876, when they were fighting the Sioux Indians over on the Rosebud, and did you take part in that fight?

PLENTY COOS. Yes; I was with General Crook on the Rosebud before the Custer fight, fighting the Sioux. I took personal part in the fight.

Senator DIXON. Have the Indians a county fair there on the reservation where they exhibit their hay and grain and horses and cows every fall?

PLENTY COOS. Yes; we have a fair on the reservation controlled by the Indians themselves; each district brings its produce. They have a friendly competition with each other from all the districts, and then whatever they raise or the horses, they use that as a sort of inducement for the Indians to make farmers of themselves.

Senator DIXON. How does the Crow fair compare with the white man's fair up at Billings?

PLENTY COOS. Formerly the Billings fair kind of took the prize, but the last year or two I think we stood first and ahead of them.

Senator DIXON. You think the Indian county fair was a better fair than the white man's fair of Yellowstone County up at Billings?

PLENTY COOS. Yes; that is what I say.

Senator DIXON. Some of these men want to know why you are called Plenty Coos, and what it means?

PLENTY COOS. I was situated formerly right in the center of all the different tribes of the Northwest. They were all fighting me all the time, and I was in the center, making sallies out from the Crow country to fight in order to keep my own; I was doing that very often. The custom is to have a stick—a coo stick; it is one of the requisites of a chief to have, and lots of those, when you kill an enemy, hitting him with a stick—that is one of the scalps or one of the things that they are working and fighting for—and he hits his fallen foe a number of times. That is the reason I was called that. He has to have those in order to be a chief.

Senator DIXON. A coo stick is a stick on which they record their deeds of valor?

PLENTY COOS. Yes, sir.

Senator DIXON. And every time they perform some great heroic act they stick a brass tack in the coo stick?

PLENTY COOS. Something like that.

Senator DIXON. How many scalps did you ever have hung on your coo stick?

PLENTY COOS. Lots of them; I do not know.

Senator DIXON. Were they whites, or Sioux or Cheyennes?

PLENTY COOS. All of these achievements were against the Cheyennes and the Arapahoes, Piegans, and Sioux, but never a white man. White men are my friends. I never fight.

Senator DIXON. You have quit taking scalps since you have gone to Montana?

PLENTY COOS. I thought I would quit now and shake hands with all and everybody as a friend.

Senator DIXON. You are scalping the alfalfa fields out on the Yellowstone on the Big Horn now, are you not?

PLENTY COOS. Yes; I scalp those kind of fields.

Senator DIXON. How would you manage to scalp a man like this one who is doing the writing here [indicating the stenographer]?

PLENTY COOS. He is a good man. I could not accomplish it. [Laughter.]

Senator PAYNTER. Did the Crows at the fair on this agency have horse races?

PLENTY COOS. Yes; there is racing and everything to promote the progress of the Indians, and if you gentlemen will go out there you will have a good time when the fair time comes around and I will turn you loose.

Senator PAYNTER. Do they bet any on the races at the fair?

PLENTY COOS. No; they do not bet; they have purses for the race. That is the only object they run for, the purses.

The witness was thereupon excused and the committee took a recess until 1 o'clock p. m.

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

PLENTY COOS RECALLED FOR FURTHER EXAMINATION, THROUGH INTERPRETER FRANK SHIVELY.

Senator CURTIS. Did the inspector, Mr. Dalby, remove you from the position of chief while he was there, or try to?

PLENTY COOS. I saw printed in the paper last summer an article showing that I was removed from the chiefship of the tribe. I only saw it in the paper, a small article.

Senator CURTIS. Did you have any trouble with the inspector, Mr. Dalby?

PLENTY COOS. I went to a meeting last spring with the woman, Mrs. Grey, and she was talking to Inspector Dalby, and I went over there and told them that they had better do things on the square, and if they were going to have any trouble with each other they both had better leave the Crow country, because we would not have any trouble on that reservation, because they were talking to each other very roughly. That is the only instance when I had a talk with him.

Senator CURTIS. You yourself had no trouble with the inspector?

PLENTY COOS. None at all; no personal trouble.

Senator CURTIS. Do the Indians on your reservation generally do their own farming?

PLENTY COOS. Yes; they do their own farming, and sometimes in the past they did not know the method of farming, but now they do know it and can do it themselves.

Senator CURTIS. Are they permitted to sell their own grain and cattle and horses that they raise themselves—most of them, I mean?

PLENTY COOS. Yes; I am permitted to do that, and I do it.

Senator CURTIS. I mean the others besides yourself?

PLENTY COOS. I say all, myself as well as the rest. They sell their own products, the horses or cattle, to the best advantage they can do it for themselves.

Senator CURTIS. Are there any number of them who have to do their own selling through their agent or the farmer?

PLENTY COOS. I try to recall one or two instances when a thing like that took place, but I do not know of any at all. They all do as they please with their own things.

Senator CURTIS. Are there many of the Indians on your reservation incompetent to attend to their own affairs and look after their own business?

PLENTY COOS. The majority of the Indians are fully competent to do their own business. There might be one or two that are not.

Senator CURTIS. Those that are not, of course, are looked after by the agent?

PLENTY COOS. Yes, sir.

Senator CURTIS. Now, state if the employees on that agency are in the habit of keeping their own stock, cattle, and horses out on the reservation?

PLENTY COOS. I do not know of any excepting one. He did it at one time, and he came to me and told me that I had better let the cattle off, and I did it—only 50 head of cattle; took them off the reservation at the instance of myself.

Senator CURTIS. Who was that?

PLENTY COOS. Dan Hoose.

Senator DIXON. When was that?

PLENTY COOS. Two or three years ago.

Senator DIXON. Did you kill any sheep that were kept on the reservation there interfering with the Indians farming their lands that were under irrigation ditches?

PLENTY COOS. Several years ago, about seven, there were a few cattle in my district, and they bothered me a little, and they are gone now, and I am not molested about my farming under the ditch.

Senator DIXON. How about the sheep that interfered with other Indians there?

PLENTY COOS. The sheep are on the reservation, and they are brought to the river bottom and irrigated lands when the ground is frozen, so that they would not spoil the ground. The hay the Indians sell to these sheep men. When the spring comes and the ground begins to thaw, they are driven back to the hills, where they are not in the way of the Indians farming.

Senator CURTIS. Then you say they do not interfere with the Indian farming?

PLENTY COOS. No; they do not bother me at all.

Senator CURTIS. Are any of the Indians on the reservation who have allotments under irrigation ditches letting the lands go to waste and not paying any attention to them?

PLENTY COOS. They all know the corners of their allotments. They are working on these allotments to improve them for their own livelihood. None of them that I know of is letting his allotment go to waste.

The CHAIRMAN. You stated this morning that there was someone else who wanted to take your place here.

PLENTY COOS. I made the statement this morning of having some one take my place. That is a descendant of a chief before my time, and his word is good. That is the way the other Indians say.

The INTERPRETER (Frank Shively). He wants to put me in his place.

The CHAIRMAN. Very well.

The witness, Plenty Coos, was thereupon excused.

STATEMENT OF FRANK SHIVELY.

FRANK SHIVELY, having been first duly sworn by the Chairman, testified as follows:

The CHAIRMAN. What is your name and business?

Mr. SHIVELY. Frank Shively; Government clerk.

The CHAIRMAN. At the Crow Agency?

Mr. SHIVELY. At the Crow Agency.

The CHAIRMAN. How long have you been there?

Mr. SHIVELY. It will be six years on the 21st of this month.

The CHAIRMAN. You are a graduate of Carlisle?

Mr. SHIVELY. Yes, sir.

The CHAIRMAN. You may proceed with your statement.

Mr. SHIVELY. We were called here to consult this committee and that is the only object we are here for; we are not here on any other purpose at all. The questions you asked me this morning, those have all been threshed out by the grand jury of Montana, and we do not want to have anything to do with them on this visit at all. We are here to show you why, if possible, that reservation should be retained for the Indians, because all the lands occupied and allotted to the Indians are in their possession under the ditches, leaving only the bare hills; and I have just sent for a map to show you that.

Senator DIXON. Have you a map of that reservation?

Mr. SHIVELY. Yes; I will show it to you. The Government policy is to open up all the Government reservations in the United States, and we will try to tell you why the opening of this reservation would be detrimental to the Indians, although the policy is, in effect, the whole Indian Nation of the United States, acting for the interests of all the Indians, where we have one tribe boiled down to the policy of the masses. We will try to prove to you that our lands are situated so that it would do harm to the tribe if they are taken away, because if the reservation is thrown open and the money is gotten, the difference in the price we would get would not be much, because they would not buy these bare hills, and there is no possible chance of getting water to irrigate them on these hills. We occupy the bottom lands, and have appropriated all the water that can be gotten on that land. We would like to retain these lands for our own use. We think and we know it is ours, and we would like to make this appeal to you gentlemen to try to show you why we called. In the bill it is stated that if the reservation is opened, after the surveys are made, all the lands will be allotted that have not been allotted. Of course, we want to have our children, when they are born, that have not been allotted, to be allotted.

Senator CURTIS. Right there let me ask you how many are there now that have not been allotted—about?

Mr. SHIVELY. I do not know.

The CHAIRMAN. Have you any idea?

Mr. SHIVELY. There are about—it is simply an estimate—60 children born after the allotments were completed. There was another matter of four or five hundred dead Indians that were promised allotments that did not get them.

The CHAIRMAN. You mean the bill that is pending now?

Mr. SHIVELY. Pending now.

Senator CURTIS. You mean that you want to have all the children who have been born since the allotments were made allotted; then

you want the Indians who were living at the time the last agreement was made and died before allotments were made—do you want allotments made to them, or rather to their heirs?

Mr. SHIVELY. Yes. Not the last agreement. We were promised it under the treaty of 1882.

Senator CURTIS. Did they take their selections under that?

Mr. SHIVELY. The selections were under that.

Senator CURTIS. And they lived on the land?

Mr. SHIVELY. They lived on it.

Senator CURTIS. And you want patents issued in compliance with that treaty of 1882 to the heirs of these allottees, the men or women who made selections and who since that time have died?

Mr. SHIVELY. Yes, because they acted in good faith in selecting and living on the land, and the Government failed to get to them to allot them; they died in the meantime.

Senator CURTIS. They died before the patents were issued?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. And your tribe wants the patents issued to their heirs?

Mr. SHIVELY. Yes, sir.

Senator DIXON. How many dead Indian allotments are there on the Indian reservation that have been issued?

Mr. SHIVELY. About six hundred.

Senator CURTIS. That have been allotted to dead Indians?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. How many dead Indians are there that have never been allotted?

Mr. SHIVELY. About four or five hundred.

Senator CURTIS. You say you object to the passage of this bill, and to the land being opened to settlement, because the Indians already have selected the lands under the water ditch, and have appropriated to their own use all the water?

Mr. SHIVELY. Yes, sir; not selected, but allotted now.

Senator CURTIS. Allotted now, Mr. Shively?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. And that there would be no land on this reservation that would be fit for settlers to take in order to develop farms?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. How much would that land bring as grazing land?

Mr. SHIVELY. For leasing, you mean?

Senator CURTIS. No. Sale. How much would it sell for?

Mr. SHIVELY. I could not tell.

Senator CURTIS. What does it lease at per acre as grazing land?

Mr. SHIVELY. About 4 or 5 cents.

Senator CURTIS. An acre?

Mr. SHIVELY. Yes; an acre, on an average.

Senator CURTIS. It would not bring very much then?

Mr. SHIVELY. No, sir; not on a lease.

Senator CURTIS. It would not bring very much at a sale?

Mr. SHIVELY. No, sir.

Senator CURTIS. Now, do these people who rent the lands for the purpose of grazing cattle and sheep have the use of water, or do they have to rent from some allottee who has the water right?

Mr. SHIVELY. We have an understanding with a leaser, and he has water passages or roads to the water where you can water your stock.

Senator CURTIS. Is there not enough water in that river there to irrigate all that land?

Mr. SHIVELY. Yes; but all available land for irrigation is taken now.

Senator CURTIS. Then your contention is that to open up that land to settlement would not be a benefit to settlers, because they can not get water, and you Indians use it for grazing purposes?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. For your children, cattle, horses, and sheep, and have it as surplus land to allot to your children as they are born?

Mr. SHIVELY. Yes; exactly.

Senator CURTIS. How many thousand acres have you there that have not been allotted or opened to settlement under the act of 1904?

Mr. SHIVELY. There is now left approximately about 1,700,000 acres.

Senator CURTIS. And there are 1,700 Indians, about?

Mr. SHIVELY. About.

Senator DIXON. That is, after the allotments.

Senator CURTIS. That is, after the allotments are made?

Mr. SHIVELY. Yes, sir. We contend that if these rough hills and bad lands, if some of them are sold they would not bring very much.

Senator CURTIS. Now, there is an item in this bill that allows an Indian who has an allotment to give up a part of the irrigated land or a homestead allotment in exchange for grazing land—1 acre, I think, for 10, is it not, Mr. Dixon?

Senator DIXON. That is my remembrance; yes, sir.

Senator CURTIS. Are there many Indians who would exchange their irrigated lands, or the land under the irrigation ditch, for that grazing land at the rate of 10 acres for 1?

Mr. SHIVELY. Not one of them would do that. We talked the matter all over.

Senator PAYNTER. Mr. Shively, suppose we would preserve this land to the tribe, how much of it would be utilized profitably by the tribe; that is, this land that you want to keep for grazing purposes?

Mr. SHIVELY. We are going to use it to keep our cattle and horses on—horse-breeding business. The other bill that was passed in 1904 promised us cattle, among other things, and that would increase our stock—that is, horses and cattle—and that would profit us in that way.

Senator PAYNTER. Would it be your idea, then, for the Indian tribe to use that land and in years to come set it apart to the children as they are born?

Mr. SHIVELY. Yes, sir.

Senator PAYNTER. Do you hope the time will come soon when the tribe can manage that property themselves without the aid of the Government?

Mr. SHIVELY. When it comes to that, of course, we want a title to that land. The whole tribe is one; then if it comes in progress in our work toward civilization, learning the methods of doing things just like the other people, we want to retain that land and get a title to it.

Senator CURTIS. Was not your experience with the Crow herd of cattle unfortunate? Did not the Crow tribe virtually waste their common herd there, or was it not stolen from them?

Mr. SHIVELY. Well, that was before my time; I didn't know of that. It took place before I came there, but from what I heard the one herd, the common herd, is for the tribe, and the other Indians, who have individual title, of course they occupy that space.

Senator CURTIS. I know; but as I understood you a moment ago you want to go into the horse business and want to have a common herd of horses for the tribe. Now, if the management of the common herd of cattle was unfortunate, and you lost your cattle, how are you going to handle horses with any greater profit?

Mr. SHIVELY. Well, the bill pending gives to Congress authority to form by-laws, and so on.

Senator CURTIS. Organize a company.

Mr. SHIVELY. Organize a company.

Senator CURTIS. And you expect that company to look after the management of the cattle and so on, and you do not expect the horses to be handled as were the cattle that belonged to the tribe?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Well, is it true now that the Indians who own cattle there have not been able to brand their calves for the last two years?

Mr. SHIVELY. It is not true. They all brand their own calves and colts—small herds, you know, when they get away from him, the boss herder comes along and burns them.

Senator CURTIS. Whom do you mean by the boss herder? The boss herder for the Indians?

Mr. SHIVELY. Yes, sir; for the Indians.

Senator CURTIS. Do not those people who have cattle on the reservation drive their cattle off and take with them the cattle of the Indians?

Mr. SHIVELY. I never heard of one instance.

Senator CURTIS. Then you state to the committee that you have no trouble, or rather that members of the tribes have no trouble, in picking out and branding their cattle that mingle with cattle that are herded upon the reservation by outsiders?

Mr. SHIVELY. Exactly.

Senator CURTIS. About how many horses and cattle are there on the reservation that are owned by the Indians?

Mr. SHIVELY. I could not tell exactly now.

Senator CURTIS. Have you any idea?

Mr. SHIVELY. About 10,000 head, the boss herder says.

Senator PAYNTER. Are those cattle owned by individual Indians, and not by the tribe?

Mr. SHIVELY. They are owned by individual Indians. We have no common herd any more. It has all been divided, and all the cattle are owned by individual Indians.

Senator CURTIS. Are there any of the Indians on that reservation that neglect to farm their allotments that are owned under the ditches?

Mr. SHIVELY. No, sir; they all farm their own allotments.

Senator CURTIS. Do they hire the help to do it, or do they do it themselves; do they go out and work themselves or hire men?

Mr. SHIVELY. They do the work themselves. They are not in position to hire, because they are working.

Senator CURTIS. How many Government farmers do you have on he reservation?

Mr. SHIVELY. Eight.

Senator CURTIS. Where do they live—out among the Indians or at the agency?

Mr. SHIVELY. They live out among the Indians.

Senator CURTIS. How many herders have you?

Mr. SHIVELY. One.

Senator CURTIS. Just one herder; does he have any assistants among the Indians?

Mr. SHIVELY. The Indians help him when burning time comes along.

Senator CURTIS. Are the cattle of the people who rent on the reservation permitted to mingle with the cattle of the Indians on the reservation?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Then you have a cutting out how often?

Mr. SHIVELY. Well, in the spring round-up and when they burn calves in the fall, when shipping time comes—twice a year.

Senator CURTIS. How are the lands of the minors used—are they being cultivated.

Mr. SHIVELY. Well, it is apparently in condition to cultivate, but most of it is leased.

Senator CURTIS. Most of the minors' lands are leased?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. How many people have you on the reservation that are leasing the Indians' lands?

Mr. SHIVELY. I can not tell that, because we have just started in the leasing business.

Senator CURTIS. Who looks after making these leases—the agent?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Have you a lease clerk on the reservation?

Mr. SHIVELY. No, sir.

Senator CURTIS. The agent looks after that?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Do you state to this committee that if this land is opened up that none of the 1,700,000 acres, or no substantial part of it, would be subject to irrigation?

Mr. SHIVELY. They have been trying to put a project there.

Senator CURTIS. They are trying to put a project in there?

Mr. SHIVELY. After they surveyed it once.

Senator CURTIS. And it was not a success?

Mr. SHIVELY. It was not a success.

Senator CURTIS. There is plenty of water in the Big Horn River, is there not?

Mr. SHIVELY. There is lots of it.

Senator CURTIS. If they can get it off over the land?

Mr. SHIVELY. Yes; but you can't get to them.

Senator CURTIS. They can not get to the land on account of the elevation?

Mr. SHIVELY. On account of the elevation of the country.

Senator DIXON. Did not the reclamation engineers make a reconnaissance survey of the Big Horn canyon country, and find about a 75,000-acre project on the west side of the Big Horn, which is now,

you say, impossible of irrigation, by putting in a dam at the mouth of the Big Horn canyon?

Mr. SHIVELY. That is the one I refer to.

Senator CURTIS. Then you do not want these gentlemen to understand, Shively, that under big projects there is not a vast amount of that land that can be irrigated by putting in the dams in the Big Horn canyon, do you?

Mr. SHIVELY. The scope of the country I will show you by the map.

Senator DIXON. Just let the committee see the map.

(Witness here produces a map.)

Senator DIXON. This shows the allotted land [indicating]. There is the Custer battle ground [indicating]. All these little squares with figures on them [indicating] are Indian allotments; and you can find all the names of the allottees here. The Little Big Horn—you have a ditch there, and all this is occupied by the Indian allotments, and you notice all this [indicating]; every farm is occupied by Indian allotments, leaving these bare hills; and there is no water to that scope of country.

Senator DIXON. I want Senator Paynter to see the extent of this country. Here is the Little Big Horn [indicating].

Senator PAYNTER. How many miles long is it?

Mr. SHIVELY. About 20 miles, or a little more than 20 miles, according to the map. All that is occupied by Chief Plenty Coos's own people at Pryor Creek. These are the mountains right through here [indicating].

Senator DIXON. The mountain country is not shown on the map?

Mr. SHIVELY. No, sir; that is unsurveyed.

Senator DIXON. That is just the surveyed part of the reservation?

Mr. SHIVELY. Yes, sir.

Senator PAYNTER. Is there any timber on that land?

Mr. SHIVELY. Here is some timber here [indicating]; and here is Wolf Mountain over here [indicating]; there is timber on the mountain over here [indicating] and some more timber over there [indicating]. That is all bare land [indicating].

Senator CURTIS. How many cattle can be kept on that unallotted land or how many sheep?

Mr. SHIVELY. How many head of sheep can be kept?

Senator CURTIS. How many can be kept there; how many can be supported during the grass season?

Mr. SHIVELY. That I could not tell, because we figured on about 20 acres to each animal to stay there all the year round when they have water.

Senator CURTIS. About 20 acres to the sheep?

Mr. SHIVELY. No; less for sheep.

Senator CURTIS. But about 20 acres to the animal, each head of cattle?

Mr. SHIVELY. Yes, sir. Now, that is the reason I am going to show the inadvisability of opening the country. It would not benefit the Indians.

Senator CURTIS. Then you do not object to the opening of the land on account of wanting to continue your tribal relations?

Mr. SHIVELY. Well, the tribal relations——

Senator CURTIS. Yes; you do not object to dividing the land up because it would interfere with your tribal form of government?

Mr. SHIVELY. No, sir.

Senator CURTIS. Your main objection is that there is no land that would be subject to irrigation?

Mr. SHIVELY. Exactly.

Senator CURTIS. And therefore it would be a detriment rather than a benefit to open it up?

Mr. SHIVELY. Exactly.

Senator CURTIS. Now, would your people be benefited in case a homesteader or settler would buy some of that nonirrigable land and rent from your people some of the irrigated land, and in that way help you to develop your farm?

Mr. SHIVELY. If he can come and buy.

Senator CURTIS. Would not some of them do that and develop the lands that have been allotted to your minors?

Mr. SHIVELY. They might.

Senator CURTIS. I judge from your statement that your tribe thinks, after consideration, that it would be of greater benefit to you for grazing purposes than the interest on the money you would get.

Mr. SHIVELY. Yes, exactly.

Senator CURTIS. Is your tribe, or the members of your tribe, anxious to go into this horse-raising project?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Have they given it careful consideration?

Mr. SHIVELY. They have.

Senator CURTIS. Have you talked about it among the members of the tribe?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Do you know their plan? You say a company is to be organized. What interest is the Indians to have in that organization?

Mr. SHIVELY. All. In fact, it would be to the interest of the Indians only and no one else.

Senator CURTIS. Do you want to use the tribal money to buy horses?

Mr. SHIVELY. Yes. That would make the payment pro rata, share and share alike.

Senator CURTIS. As they are sold?

Mr. SHIVELY. As they are sold.

Senator CURTIS. Well, if you organize a company and the Indians furnish the money, you would still be under the control of the agent, wouldn't you—the agent would have to look after it, or the Government?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. Have you any assurance that the Government would pay any more attention to your horses than they paid to your herd of cattle that you had?

Mr. SHIVELY. Well, the only thing we want is not exactly an assurance, but we want a title to the land.

Senator CURTIS. Well, that is outside the horse question. There is more money made in raising cattle than in raising horses, is there not?

Mr. SHIVELY. That depends.

Senator CURTIS. I mean among the Indians?

Mr. SHIVELY. Among the Indians, yes, sir.

Senator CURTIS. You know that every Indian on your reservation who is able to has from 8 to 10 worthless horses or ponies around?

Mr. SHIVELY. Yes, sir.

Senator CURTIS. That is customary on your reservation, is it?

Mr. SHIVELY. Yes, sir. That is one reason we wanted to discard these ponies and get a good class of horses, so that we could get more money for them.

Senator CURTIS. You do not have that trouble with your cattle; you can raise a cow or a calf at any time?

Mr. SHIVELY. Oh, yes; at any time. But what we want is to raise a better class of horses and get a better price for them.

Senator CURTIS. In other words, this is an experiment that they want the Indians to try, and they want to use the Indians to make.

Mr. SHIVELY. And use the Indians' land, too.

Senator CURTIS. Use the Indians' land and use the Indians' money. Some man has thought out a plan, and he wants to submit his experience as against the Indians' money—is that it?

Mr. SHIVELY. Well, in a corporation like that what we want to do is to show you why we want to get a title to the whole reservation.

Senator CURTIS. You have a title to it now.

Mr. SHIVELY. Have we?

Senator CURTIS. Why, certainly; it is a treaty reservation. It is your land, but the Government has the power to do as it pleases with it with reference to opening it up. If it thinks it is to the best interest of the tribe, it will do so; but the land now, so far as the title is concerned, is in your tribe, or in the Government in trust for your tribe.

Mr. SHIVELY. Oh.

Senator CURTIS. But it is really owned by the Indians.

Mr. SHIVELY. If it is ours, we can not keep it, because the Government——

Senator CURTIS. May dispose of it if they want to.

Mr. SHIVELY. Yes.

Senator CURTIS. If they think it is to your best interest.

Senator PAYNTER. You want it in the position so that the Government can not sell it?

Mr. SHIVELY. Yes, sir. Now, supposing the land in this reservation is transferred into one corporation and they issue patents to that reservation, can we keep that reservation?

Senator PAYNTER. Why, if you organize the corporation the Government gives that corporation the patent; the title would be in the corporation.

Mr. SHIVELY. Yes, sir.

Senator PAYNTER. And is that the object of the Indians?

Mr. SHIVELY. We want to object to selling the whole reservation. We want to use it for the Indians and get title for it by transferring the Crow Indians into one company.

Senator PAYNTER. And that company you want to have, not only handle your land, but handle your horses?

Mr. SHIVELY. Handle the horses and get a patent for it for thirty years—that is what the bill says—and let all the Indians have the benefit of it.

Senator CURTIS. Senator Dixon, is it your contention that by building proper dams that land could be subjected to irrigation?

Senator DIXON. Not all, but an immense amount of it. The reclamation engineers made a reconnoissance, I think, about two years ago. The Big Horn River comes down out of the Big Horn Mountains in a very deep canyon, and Savage, as I remember it, said that it would divert enough water at that point to irrigate 75,000 acres above the line of the low ditch where the Indians are all allotted at this time.

Senator CURTIS. Is it the purpose to sell that land before that dam is put in, or to have the dam put in at the expense of the Indians and then sell the land afterwards?

Senator DIXON. Under the terms of the bill the Government allows $100,000 to start the work, and it will cost more than that from the the sale of the surplus land. They propose to build this dam and irrigate this country, and then as the settlers come in there to take it up they put back into the Indian fund the cost of the construction of the ditch.

Senator CURTIS. How much are they required to pay for the land?

Senator DIXON. Whatever the appraisers fix the price at.

Senator CURTIS. Is it to be appraised as nonirrigable or irrigable land?

Senator DIXON. I should say nonirrigable land in the situation it is in.

Senator CURTIS. Then what is the justice in using the Indians' money in building the dam?

Senator DIXON. It is the only money you can get to build it with, and the money is paid back. It is their own money.

Senator PAYNTER. It is paid back out of the proceeds of the land?

Senator DIXON. Yes.

Senator CURTIS. And the money, then, is now in the Treasury?

Senator DIXON. But he says there are several of these Indians who have not been allotted. The truth is that there are 600 or 800 dead Indian allotments on this reservation. They are uncultivated. Under a big ditch down in the Yellowstone Valley and at Billings, right near, are lands selling—irrigated lands similar to this—at from $100 to $200 an acre. Here is a tract of country as big as the State of Connecticut, with Indians already allotted, averaging how much to the family, Mr. Shively? Take a family of five, what would the allotments amount to?

Mr. SHIVELY. A family gets 160 acres. The head of the family gets 320 acres.

Senator DIXON. This is all irrigated land?

Mr. SHIVELY. Eighty acres for the head of the family and 40 for the family.

Senator DIXON. That would be 40 acres for the wife—and, say a man and his wife and four children.

Senator CURTIS. Say five children.

Senator DIXON. I do not think they would average five children. Let us take a family of four children; that would be 288 acres of land for a man and his wife and four children. Now, the nonirrigated land in addition to the irrigated land—what is the allotment?

Mr. SHIVELY. It is what is remaining out of that. If it is 320 acres, and 80 acres taken away from that——

Senator DIXON. It is on a basis of 320 acres of nonirrigated land. I just want to show you what the Indians have in their allotments

at this time and show the impossibility of their cultivating one-tenth of what they have allotted. Now, Shively, a man who is the head of a family, gets 80 acres of ground—how much grazing land, nonirrigated land, would he get for his allotment?

Mr. SHIVELY. If he is the head of a family?

Senator DIXON. You just stated that the head of a family gets 80 acres of irrigated land and 240 acres of nonirrigated land.

Mr. SHIVELY. Yes, sir.

Senator DIXON. The wife gets 40 acres of irrigated land and how much of nonirrigated land?

Mr. SHIVELY. One hundred and twenty nonirrigated.

Senator DIXON. And each child gets what?

Mr. SHIVELY. They get the same.

Senator DIXON. Then, I understand that the average Indian family now on this reservation—the man and his wife and four children—at the present time has allotted to his family 280 acres of irrigated land, and in addition thereto 820 acres of nonirrigated land.

Senator CURTIS. Now, Mr. Dixon, would it not be better for the Indians, if you are going to use their money to build the dam, why would it not be better to use their money to build the dam and then sell the land where the dam has been built and give them the benefit of the increase in price?

Senator DIXON. I am perfectly willing to do that?

Senator CURTIS. I understood it was the selling of land as nonirrigable land, and then to compel the Indans to build the dam and furnish the water.

Senator DIXON. I am perfectly willing. I do not care how it is done. But here is an area of country supporting a population of 1,700 people. How many acres are there altogether in the reservation allotted and unallotted?

Mr. SHIVELY. Nearly 3,000,000 acres.

Senator DIXON. An area of country of nearly 3,000,000 acres in extent, three times the size of the State of Dleaware, and supporting a population of 1,700 Indians, already allotted so as to give 280 acres of irrigated land and 820 acres of nonirrigated land to every Indian family of four children, father, and mother, making a total of 1,100 acres of land already allotted to every average Indian family on the reservation, and then leaving 1,000 acres of vacant unallotted land to every Indian—man, woman, and child—on this reservation. That is the condition. Now, as Mr. Shively states, I think it is true, from what the reclamation engineer told me, that the easily irrigated bottom lands are practically absorbed by the Indian lands, dead and living. The 1,700 living Indians, big and little—and how many dead Indian allotments?

Mr. SHIVELY. About 600.

Senator DIXON. And in addition to the 1,700 living Indians, this irrigated land covers 600 allotments to dead Indians, unproductive, uncultivated, and unsettled. Now, that is the condition existing in this country.

Senator CURTIS. Are these allotments to dead Indians the same that Mrs. Grey claims has been sold to the town-site company, or part of them?

Senator DIXON. Yes; and now I understand from the records at the Indian Office that one dead Indian allotment—and I have inves-

tigated this since Mrs. Grey's testimony about the Lincoln Townsite Company—one dead Indian allotment was purchased at a sale by the Lincoln Townsite Company, it being the highest bidder, as Mr. Leupp said, for $6,840.

Senator BRANDEGEE. For how many acres?

Senator DIXON. One hundred and sixty. It is a dead Indian allotment. Now, the reclamation engineers told me that this one project at the mouth of the Big Horn will bring about 75,000 acres under cultivation of the wild land that Mr. Shively now describes as grazing land and nonirrigable land. All over this reservation you will notice little side streams coming in. Now, while many of these are dry streams, practically all over this State they are reservoiring these dry coulees of little ditches that have little water in them and irrigating those acres all over the State by damming these dry coulees. Now, Mr. Shively's statement is true that these are counted purely grazing lands at this time. Here is a country, after giving these Indian allotments of 1,100 acres to an average family, capable of supporting, if thrown open and irrigated and the dry streams dammed, easily a quarter of a million of people, at this time occupied by 1,700 Indians.

Another thing I want to ask Mr. Shively is this: Is it not a matter of fact that the Crow Indians are decreasing about 3 per cent per annum?

Mr. SHIVELY. About 2½ per cent.

Senator DIXON. How many years have the records been kept?

Mr. SHIVELY. About six years that I know of personally.

Senator DIXON. Want to state, and it is based on a statement of the Jesuit missionary, Father Tolman, who is the missionary in charge of these Indian missions here, that he was fully of the opinion—he had been there for many years and observed their condition—that the Crow Indian race was gradually becoming extinct, and I think his statement to me was a much larger mortality than 2½ per cent. At that rate forty years would wipe out the Crow Indians.

Senator CURTIS. The half bloods are increasing, and the full bloods are decreasing?

Mr. SHIVELY. Exactly.

Senator CURTIS. That is the history of every tribe.

Senator DIXON. Another generation will settle the Indian question. The blanket Indian can not stand up against the white man's vices, can he, Mr. Shively?

Mr. SHIVELY. No, sir.

Senator DIXON. Now, here was a fine body of Indians, fine, intelligent fellows, and the whites came there and built railroads and ditches and have left the Indian race syphilitic. That is the trouble with them. They died by the score from the effect of syphilis. It is tuberculosis of the joints. You heard Mrs. Grey describe the sores on the faces of these children.

Mrs. GREY. That was only at the Government school—not in the missionary district.

Senator DIXON. Father Tolman has told me repeatedly that, except for the higher grade of men that you see here—these are clean-blooded men, these men here—that it was practically universal through the tribe. That is what is killing the Crow Indians. Now, Frank Shively is an intelligent young man, but the children that are coming afterwards are decreasing instead of increasing. The theory

of holding out vacant lands to allotted Indians that are yet unborn is all right in theory. As a matter of fact, Indians thirty years ago—do you know, Mr. Shively, how many Indians there were living at that time?

Mr. SHIVELY. About 3,000 thirty years ago.

Senator DIXON. And now there are 1,700.

Now, there is another thing that I want to explain. Under the law of Congress these Indians, as I have already said, are already allotted, so that every family of four children, man and wife, has 280 acres of irrigated land and 820 acres of nonirrigated land; and right down the Big Horn River, say 75 miles to the north, on the ceded strip, which was opened four years ago, under the Government irrigation ditch there, they count 40 acres of irrigated land the homestead limit for a white man and his family. One white man can not possibly cultivate in wheat and hay, I think, over 60 acres of irrigated land. It is intensive farming. An Indian family can not cultivate the 280 acres of irrigated land allotted to them. Under the provisions of the Reclamation Service a white man and his family are only allowed to take 40 acres of this same land right down the river. Here you have already reserved 280 acres to the Indian family, who do not know how to farm, as compared with the white man, and given them seven times as much land as the Government Reclamation Service gives to the white family of the identical same character of land. Now, the contention of the people in the West is that it is criminal to leave an area of country as big as the State of Connecticut, averaging one person, taking babies, women, and everything—about one human being to every 2,000 acres of country—and leave the reservation unopened and that is what it means, leaving the reservation unopened, if the Indians held their own. Frank Shively says they have decreased nearly 100 per cent. The Reclamation Service tells me that this land is $75 or $100 an acre land in which this ditch is dug.

Now, this is devoted to the raising of coyotes and leased to three or four big cattlemen. That is the condition on the Indian reservation. The men who hold the leases—and in this every Indian in this bunch will bear me out—three or four big cattle or sheep outfits use this reservation scheme, and the Indian gets nothing except his own allotment, and he has already five times the amount of land that he can possibly cultivate and care for. Now, every Indian has a sentimental belief that this is the land of his forefathers. He does not want to part with it, and you can not help but appreciate that feeling in these Indians; but it is not civilization, and as long as you keep these Indians corraled on Indian reservations you are going to have the very state of affairs—not as bad as Mrs. Grey has pointed out, but a situation bordering on Russian czardom. You can not run an Indian reservation in any way except with somebody as boss. Now, it is a question whether you want these Indians—and look in their faces and you will find that they are a pretty intelligent set of men—to be bosses of the reservation, or whether you want to keep that vast area of country unopened to settlement, literally submerged with ten times the amount of land the Indians can possibly handle, or whether you want to open it up to white settlement and make their lands five times as valuable as they are now. A tract of allotted Indian land down here under this ditch, with nobody but Indian neighbors—neighbors who can not cultivate, and five times

the amount of land—would not bring when you put it up under the hammer one-fifth as much as that land would if opened up to white settlement and schools and taxation in order to keep up the schools, and bridges and other things that go with modern civilization.

Senator PAYNTER. Do the dead allotments come back to the tribe?

Senator DIXON. No; they are sold to the highest bidder.

Senator PAYNTER. I mean the proceeds.

Senator DIXON. No; that goes to the heirs.

Now, here is another thing that I want to bring to the attention of the committee. These boys here all hope to be cattle kings some time—we might as well have the truth of it. Here is a vast range of the best grazing land in the West. Of course I think Frank Shively and all of them way down in their hearts have a hope that some time this land will be opened, and that the smart fellow will buy it and become the great cattle king of the country; but that does not benefit the average Indian. I know a half dozen smart fellows who have, some of them two or three or four thousand head of cattle, and they are the men who get the benefit; the ordinary Indian reaps none whatever. Here is this whole section of country leased out at—how much, Frank, $4,500 a year?

Mr. SHIVELY. Forty-five thousand dollars a year.

Senator DIXON. That is all the revenue these poor Indians get from that whole area of country from the lease money. Until Reynolds went there I think it was about $20,000.

Mr. SHIVELY. Twenty thousand dollars; yes, sir.

Senator DIXON. Until six years ago $20,000 was all that that whole country produced for these men; now it is raised to $45,000. That is not one-tenth of a cent an acre—yes, the area is 3,000,000.

Senator PAYNTER. Can they not make a contract to do it?

Senator DIXON. I do not know how you would do it. That is the story of every Indian reservation. On the Blackfoot, with 1,800,000, I think their lease money is less than $15,000 a year.

Senator BRANDEGEE. Why doesn't somebody offer more?

Senator DIXON. I can not tell you.

Senator BRANDEGEE. Is there not competition among these cattle men?

Senator DIXON. There is supposed to be, but there are only a few big cattle and sheep outfits around the reservation that are interested in it. The man up in northern Montana can not come 2,000 miles to bring his outfit down here. It is only the people who have their ranch and cattle outfits around nearby who are in position to take advantage of it.

Senator BRANDEGEE. I want to ask Mr. Shively a few questions. Senator Dixon states it is the project of the Government engineers to put in a dam there and irrigate this land that is proposed to be opened up. If that was done and your other land increased in value by it, why would it not be better for you people to let all your country increase in value and then sell a large part of your surplus land and take the proceeds and develop the land that you cultivate and put buildings on it; why wouldn't that be better than to put the money in an undivided tract of wild, nonirrigated land as it now is, trusting that at some time in the future you will get some benefit out of it?

Mr. SHIVELY. That project that you speak of was surveyed and the estimated cost was made. The dam, I think, would be raised 80 feet in solid masonry.

Senator BRANDEGEE. What was the total estimated cost in dollars?

Mr. SHIVELY. Three million dollars, I believe. That was what we heard two years ago. It might be more or it might be less. That would make it $74 or $80 an acre; but it would take a rich man to buy that.

Senator CURTIS. The Indians would not want to put their money in that proposition?

Mr. SHIVELY. No, sir. We have all the farm land that we can handle now. That is all grazing land. The inadvisability of building that big dam there above our head gate, having the water, as you see, and one strip of country there—that is the place because there is no water there. They can not get water on it. When there is no water the sheep and cattle men do not like to put their stock on it, and that is the reason why we could not get a good price for it. If we had all the water we wanted we could use it. It is all allotted now—all the water holes—and what we want is to keep the land for the benefit of the tribe, because by selling it and opening it up you would not get the price that we could. You might sell it cheap and divide it among the people.

Senator BRANDEGEE. Don't you think that the white men coming in and settling along with the Indians and in their neighborhood improves the value of the Indians' property?

Mr. SHIVELY. Certainly. But what assurance can we have if you open the reservation, as to these homesteaders who come in there and buy these lands—selling them for homesteads. That is what I want to know. If we can be assured of the occupancy of the reservation and get the money for it, then we are perfectly willing; but we can not get that assurance because the people would not give it. The land is too high.

Senator CURTIS. In other words, you would like to sell it to the Government, and let them open it up, if they wanted to?

Mr. SHIVELY. Yes, sir; and get the money—get that assurance.

Senator BRANDEGEE. Has it not been the history of the opening of other reservations that the lands have sold at higher prices than it was expected they would?

Mr. SHIVELY. About one million of the Crow land was sold; that was a ceded strip. If we have the assurance of selling all that at a good price, we would be willing, but we can not sell it by reason of lack of water.

Senator BRANDEGEE. If these lands on the hilltops are so poor that white men will not settle on them when they are opened up and thrown into the market, what use are they to you?

Mr. SHIVELY. I did not say that they were poor.

Senator BRANDEGEE. That is, compared with the rest of it, I mean—not so valuable as the bottom lands—of what use are they to you at the present time or of what use do you think they will be to the Indians twenty-five years from now, and you are left alone as you are now?

Mr. SHIVELY. We were promised some cattle at the last opening, and this horse proposition—we do not use all this range for these two things, because we have water there to water our own stock.

Senator BRANDEGEE. Are you pretty confident that you can make a success of the horse business that you spoke of?

Mr. SHIVELY. That is up to the Indian Office.

Senator BRANDEGEE. You talked about the formation of a company to conduct that enterprise. How is it proposed to raise the money to sell the stock; who is to be the owner of the stock?

Mr. SHIVELY. We.

Senator BRANDEGEE. The Indians themselves?

Mr. SHIVELY. The Indians themselves.

Senator BRANDEGEE. Have they the money to subscribe for it?

Mr. SHIVELY. I do not know how much money we have now in the Indian Office, but we are going to use that for this business, and let the Indians get the proceeds of the sale of horses.

Senator BRANDEGEE. Is Mr. Reynolds familiar with the details of that matter? Are you familiar with the details of that proposition, Mr. Reynolds?

Mr. REYNOLDS. Partially.

Senator BRANDEGEE. I do not care to have you testify to that; but I was not going to ask Mr. Shively any more questions about it if you can tell us.

Mr. REYNOLDS. I have read the bill over several times.

Senator BRANDEGEE. Mr. Shively, what proportion of the total population of this tribe do you represent in this matter? How extensively are your views about the opening up of this reservation entertained by the members of your tribe?

Mr. SHIVELY. Well, we were sent to represent the whole tribe, and we are instructed to show our objections to you.

Senator BRANDEGEE. I know; but what I mean is, how many of your tribe think just as you do about this matter?

Mr. SHIVELY. All of them.

Senator BRANDEGEE. You think it is the unanimous opinion, do you?

Mr. SHIVELY. It is the unanimous opinion of the whole tribe. We want to show you our whole reasons. That is our duty.

Senator BRANDEGEE. In the appointment of these delegates who appear before us, was there any contest when they were chosen?

Mr. SHIVELY. It was not by appointment; it was by election.

Senator BRANDEGEE. I mean at the election.

Mr. SHIVELY. They were selected. One man would get up and mention some one and they would vote for him.

Senator BRANDEGEE. It was unanimous, then?

Mr. SHIVELY. Unanimous.

Senator BRANDEGEE. By vote of whom?

Mr. SHIVELY. Of all the members of the council; the people who sat in the council.

Senator BRANDEGEE. How many members are there of the council?

Mr. SHIVELY. At that time there were a little less than 100.

Senator BRANDEGEE. Representing 1,700 people?

Mr. SHIVELY. Representing the whole tribe.

Here is another thing. That Big Horn project that we were speaking of is right here [indicating on map].

Senator DIXON. Here is the Huntley ditch [indicating on map] that Mrs. Grey was talking about. This is the ceded strip [indicating].

Mr. SHIVELY. This is the ceded strip [indicating]. I do not know the number of acres there will be under this ditch, but this is our ditch [indicating].

Senator DIXON. How many acres are under that ditch?

Mr. SHIVELY. Under the Big Horn ditch there are about 35,000.

Senator DIXON. All that is occupied by Indian allotments?

Mr. SHIVELY. Yes, sir.

Senator DIXON. Some are dead allotments, are they?

Mr. SHIVELY. Some are dead allotments.

Senator DIXON. Of the 600 dead allotments what will they average to an allotment of the irrigated land? Are they mostly eighties or forties?

Mr. SHIVELY. Well, the former allotment gave him 320, and he was given the same kind of division as the living ones now. He had 120 at one time, and after he is allotted he gets 160.

Senator DIXON. Just the same as if he was living?

Mr. SHIVELY. Yes, sir.

Senator DIXON. Now about the other projects—I do not know anything about the matter. It has been surveyed and is right here [indicating].

Mr. SHIVELY. That is the Big Horn Island canal.

Senator DIXON. That is the one the reclamation engineers surveyed?

Mr. SHIVELY. Yes, sir. But if they are going to put that head gate there above us what assurance have we that ours will not be molested.

Senator DIXON. Under the law they can not molest you. You have the first right. How many inches of water are there in the Big Horn River, Mr. Reynolds?

Mr. REYNOLDS. It is enormous.

Senator DIXON. It is half as big as the Yellowstone, isn't it?

Mr. REYNOLDS. It is one-third as large as the Yellowstone River.

Mr. SHIVELY. Now, if this dam was completed above us—that is an awful stream, the Big Horn—there will be damages to that dam, and it will be flooded down here. Now who is going to pay for the damages to this?

Senator DIXON. I will explain this map. Here is the city of Billings [indicating]; here is the Huntley ditch [indicating], about 30,000 acres under it, which is now being settled. This was the ceded strip that was opened before the Huntley ditch. The Burlington Railroad came in here at Huntley [indicating] and went down to the agency. Now, there is no sugar factory here at Billings. This land around Billings is worth $200 an acre; that is, the irrigated land. They are only giving the white settlers 40 acres under this ditch, and the Indians are getting 280 acres of grazing land.

Mrs. GREY. How many settlers are there under the Huntley ditch?

Senator DIXON. I asked Mr. Savage the other day, and he said about 40 acres, and the local citizens have been working up the whole matter, and they think it is too little, but I noticed in the Billings Gazette yesterday morning that they are coming in by the carload.

Mrs. GREY. As a matter of fact there are very few settlers on that strip.

Senator DIXON. Now, Mr. Savage, the reclamation engineer told me that about one-half of it was taken when he was there a few weeks ago, and all the Billings papers say that the rest of it is being rapidly taken; he said there were a whole carload from Nebraska there last week. This Indian land up the Big Horn is $200 an acre. If there were any schools or bridges or things of that kind, the white people could live there. I want to say to these Indians while here, and especially these boys who understand English, that under this

bill—$125 or, rather, I should say, after five years the surplus land would be sold in 640-acre blocks. What the Indian wants is the settlers to make their land valuable. All down the Yellowstone is dry-land farming. This is the best land in Montana—not all of it, but lots of this country here which is counted as grazing land, and that is what it is now—I think the Indian could get $10 an acre out of it.

Senator CURTIS. Without irrigation?

Senator DIXON. Without irrigation. I think that whole reservation would average, say, $4 an acre. There are about 1,700,000 acres, and that would be $6,800,000 to 1,700 Indians; that would be $3,000 to an Indian—every man, woman, and child—besides trebling and quadrupling the value of their own lands that are allotted.

Senator CURTIS. You started to say something about $1.25 an acre. Was there a proposition that the Government shall have so much after five years?

Senator DIXON. No. What the Indians want are the homesteaders; after five years they can own the homestead. We want to get all the homesteaders possible, thinking at the end of that time the usual process of selection would take the better land, but it is to prevent it from lying there four years, so the Indian would not get any advantage of it—the grazing spots. At the end of five years they sell it at public auction to the highest bidder.

Senator CURTIS. Does your bill provide for that?

Senator DIXON. Yes; I think it provides for sales at public auction. It is the good Indian who wants his reservation opened; it is the sentiment of all the fellows who are patriotic, and you can not blame them. As a matter of cold business, it is their salvation to open up the country.

The CHAIRMAN. Mr. Shively, have you any further statement to make?

Mr. SHIVELY. No, sir.

The witness was thereupon excused.

STATEMENT OF BIG MEDICINE.

BIG MEDICINE, having been first duly sworn by the chairman, through his interpreter, Frank Shively, testified as follows:

The CHAIRMAN. Give your name.

BIG MEDICINE. Big Medicine.

The CHAIRMAN. What is your age?

BIG MEDICINE. Fifty years.

The CHAIRMAN. Are you one of the chiefs of the Crow Indians?

BIG MEDICINE. I am not a chief, but one of the leaders.

The CHAIRMAN. Do you want to make any statement about this bill?

BIG MEDICINE. I want to say a few words about it. We had a council and all decided to give our statement to Plenty Coos—he is the leader of the Crows—to bring over here and make a hearing. Whatever he says is the voice of the delegation; that is all.

Senator DIXON. Are you the chief of police at the agency?

BIG MEDICINE. I have been working as police for twenty-two years for the Government. I have been chief of police.

The CHAIRMAN. Is that all you want to say?

BIG MEDICINE. That is all.

The witness was thereupon excused.

Mr. SNIFFEN. Mr. Chairman, this is an abstract of a statement that was made to me by Plenty Coos at Helena, on January 21, and I would like to have it go into the record.

Senator DIXON. I think, as Plenty Coos is right here in the room, instead of taking a statement made in Montana two years ago, I think you should examine him.

Mr. SNIFFEN. It is in regard to the protest against Mr. Dalby. I understand that the original affidavits were referred to the Department. As I have had copies of those made, I shall ask that they be included with the statement that I filed this morning. They may be identified and received in evidence.

PLENTY COOS RECALLED FOR FURTHER EXAMINATION THROUGH INTERPRETER FRANK SHIVELY.

The CHAIRMAN. Mr. Sniffen, the committee will allow you to interrogate this witness.

Mr. SNIFFEN. I would like to ask Plenty Coos if he did not say to me on the 21st of January—he will remember the occurrence as being at Mrs. Grey's home—if he did not make this statement: "Since the Crow Indian lodge was talking against the agent, after Mrs. Grey came, the agent had arrested over thirty of the C. I. L. boys."

PLENTY COOS. I did not come here under these conditions at all. I came here for certain things, and I am going to talk with the committee here. These things have all been thrashed over, and I do not want anything more to do with the C. I. L. boys or anything else. I was told to come here by the Crow tribe to help them on this land matter, and this business is a side issue with me.

The CHAIRMAN. Do you refuse to answer the question that was just put to you by Mr. Sniffen?

PLENTY COOS. I refuse to talk on that subject.

Mr. SNIFFEN (reading from memorandum):

Plenty Coos said he is not made for a farmer, and nearly all the Crow Indians are not able to work and support themselves yet. Even the smallest thought of him ever being an American citizen. The reason why he says that, is, he looks around and sees his Crow tribe, and they are just like a child, and they do not know how to farm and cultivate the land, and that is the reason he did not want to become a white man.

PLENTY COOS. Those things have no connection with this talk now. What do you want to bring it on the side for?

The CHAIRMAN. Will you answer the question or not?

PLENTY COOS. I refuse to answer, because I came here on another proposition, and that is brought up, having no connection whatever with the main object. It is something that took place last year.

Mrs. GREY. May I ask a question? I want to ask him if, at the time of the last Crow fair, he did not ride at the head of the procession of the Crow Indian lodge at the fair?

PLENTY COOS. Yes; I was riding at the head of the procession.

Mrs. GREY. And there was nobody else but C. I. L. boys in that procession?

PLENTY COOS. If there are any members of this committee that want to ask me anything, I will answer their questions, but I am a man, and I came here with one object. This is something on the side. That has all been done away with and finished. These are the members of the committee, and I am going to answer their questions.

The CHAIRMAN. I will ask you the question: Was there anybody in the procession except members of the Crow Indian lodge?

PLENTY COOS. Yes; the C. I. L. boys had a parade, and I went at the head.

Mrs. GREY. I would like to ask him if it was not a good long parade. What I want to establish is that last October the Crow Indian lodge was about 500 members strong, the majority of the men of the tribe, and that Plenty Coos was at the head of the tribe.

PLENTY COOS. There is not a single C. I. L. boy here. That is what I want to say; and this delegation here are all of the opposite lodge.

(The committee at this point adjourned until Monday, April 6, 1908, at 10 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., April 6, 1908.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (chairman), Sutherland, Curtis, Brown, Dixon, and Paynter.

STATEMENT OF JAMES McLAUGHLIN, INDIAN INSPECTOR.

JAMES MCLAUGHLIN, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. You may state your name, age, and occupation.

Mr. MCLAUGHLIN. James McLaughlin; Indian inspector; age, 66.

The CHAIRMAN. How long have you been in the Indian service?

Mr. MCLAUGHLIN. It will be thirty-seven years the 30th of next June.

The CHAIRMAN. How long have you been an Indian inspector?

Mr. MCLAUGHLIN. For thirteen years the 19th of last January.

The CHAIRMAN. Do you know the Crow Reservation in Montana?

Mr. MCLAUGHLIN. Very well.

The CHAIRMAN. You know there is a bill pending for the opening of the reservation?

Mr. MCLAUGHLIN. I do.

The CHAIRMAN. It is Senate bill 2963. Were you out there, and did you hold a council with the Indians relative to this opening?

Mr. MCLAUGHLIN. I did.

The CHAIRMAN. When?

Mr. MCLAUGHLIN. I arrived there on the 7th of February. The Indians were notified to meet me in council on the 11th, commencing at 1 o'clock on the 11th of February and terminating on the evening of the 12th of last February.

The CHAIRMAN. How many were present at the council proceedings?

Mr. McLAUGHLIN. As the minutes of the meeting will show, 93.

The CHAIRMAN. Did you keep the minutes yourself?

Mr. McLAUGHLIN. They were kept by the stenographer. I have the minutes with me.

The CHAIRMAN. You may produce them.

Mr. McLAUGHLIN. I have the official record that I obtained this morning and my report also. These are the minutes [producing papers] and that is the report.

The CHAIRMAN. Who kept those minutes?

Mr. McLAUGHLIN. A man named Fred Miller, the clerk and stenographer. He was a good stenographer.

The CHAIRMAN. These papers will be received and properly marked.

(The papers are marked "Exhibit J. McL. Nos. 1 and 2," and appear in another part of this record See pp 771 and 789.)

The CHAIRMAN. You made an official report of your investiogatin, did you?

Mr. McLAUGHLIN. I did.

The CHAIRMAN Is this the report [indicating] Exhibit J. McL. No. 2?

Mr. McLAUGHLIN. That is the report.

The CHAIRMAN. The Indians were at first opposed to the general plan of opening the reservation, were they not?

Mr. McLAUGHLIN. They were; yes, sir.

The CHAIRMAN. Did they finally assent to the plan?

Mr. McLAUGHLIN. They assented to the plan practically upon condition that certain changes would be made there, which I specified in that report—numbered 1, 2, and 3—and on the condition that a delegation of their people be permitted to visit Washington.

The CHAIRMAN. How long were you at the reservation altogether?

Mr. McLAUGHLIN. Ten days.

The CHAIRMAN. Had you previously visited this reservation within recent times?

Mr. McLAUGHLIN. I have been passing through and visiting the Crow Reservation since 1898; I have passed through there very frequently in going through on the train, and driving back and forth when I left the train there. I visited it officially in January and February, 1906. I was there at that time three or four weeks.

The CHAIRMAN. What is the general character of the Indians on the reservation as regards their prosperity and development?

Mr. McLAUGHLIN. I regard the Crow Indians as an exceptionally well-disposed lot of people, and since my first visit to the Crow country I not only believe but know that the Indians have made wonderful progress—that is, within the past ten years.

The CHAIRMAN. Do you know of your own knowledge as to their manner of dealing with their personal property, whether they buy and sell at their own pleasure?

Mr. McLAUGHLIN. That I could not say positively, but as I understood from individuals——

The CHAIRMAN. What individuals?

Mr. McLAUGHLIN. When I was there in 1906——

The CHAIRMAN. You mean individual Indians?

Mr. McLAUGHLIN. Individual Indians; yes, sir; in a general way. A great many of them, at least, dispose of their own property and horses and cattle, but under the regulations of the Department, if the cattle had been issued to them by the Government, it was necessary for them to have permission from the agent of the reservation to dispose of them.

The CHAIRMAN. That applies, as you understand it, only to cattle that has been issued?

Mr. McLAUGHLIN. The cattle that has been issued, with the increase of the cattle that has been issued to them.

The CHAIRMAN. How do their habitations compare with the habitations of Indians on other reservations?

Mr. McLAUGHLIN. They are superior to most of the habitations of the Indians; that is, in the Big Horn district, the Pryor district, and the Black Lodge district, down between the agency and old Fort Custer. They have some very nice cattle and homes, and all the fields are nicely fenced. In the Big Horn district I was very much pleased to see the way the fences were laid out, and they had commenced laying out roads along section lines, with fairly good buildings for Indians. Some of the houses were equal to those of the white settlers.

The CHAIRMAN. Were you on that portion of the reservation that is covered by grazing permits?

Mr. McLAUGHLIN. I have traveled over a good deal of that going east to Tongue River Agency; I think that is the least occupied portion, however; going from Crow Agency across to the Tongue River Reservation and Rosebud River I passed that a good many times.

The CHAIRMAN. There is some cattle over there under leasing contracts and others under grazing permits, are there not?

Mr. McLAUGHLIN. Those on the grazing permits, I think, are farther south. That was the portion of the reservation that I did not visit. I was there in the winter time. I did not go over that reservation at that time except at the different stations, the agent was making annuity payments at that time, and I saw every Indian, I guess, of the reservation, including those of the Black Lodge and other districts, and I went up to Pryor.

The CHAIRMAN. Do you talk Crow?

Mr. McLAUGHLIN. I do not.

The CHAIRMAN. What Indian language do you speak?

Mr. McLAUGHLIN. I speak the Sioux language. I meet a number of the Crows with whom I converse, as there are a number of Crows who can speak Sioux.

The CHAIRMAN. Now, what complaints, if any, did you hear from the Indians in regard to their treatment on the reservation, either by the agent or otherwise?

Mr. McLAUGHLIN. There was not a single Indian during my visit there, either at that time or since that, who has complained to me against the agent—that is, within the past two years.

The CHAIRMAN. Well, from your observation, what did the demeanor of the Indians toward the agent or the agent toward the Indians indicate, if anything, as far as you could infer?

Mr. McLAUGHLIN. I was impressed with the confidence that they seemed to have in their agent and the respect that they showed him, and so far as the appearance of the Indians is concerned, during our

council last winter—last February—they were as well dressed a lot of people as I have seen in any frontier community. They are all well clad, and I notice a great many of them have light wagons. I scarcely saw any person coming in there by team that did not have a nice light wagon and a very good set of light harness.

The CHAIRMAN. What complaint, if any, did you hear among the Indians with reference to their grazing, leasing, or permits?

Mr. McLAUGHLIN. There was not a single complaint made to me. I was on special business, which was the presenting to them of this question of the opening of the reservation. Other questions were not discussed by me, as they were not mentioned by the Indians at all.

The CHAIRMAN. Did these Indians have an opportunity to talk to you if they wanted to?

Mr. McLAUGHLIN. Yes, sir; at any time, as you might see in the minutes of the council.

The CHAIRMAN. Well, outside of the council?

Mr. McLAUGHLIN. Yes, sir; I was at the hotel and a number of them used to come over to the hotel and talk in the evenings and at noon.

The CHAIRMAN. What complaints, if any, did they make with reference to the manner in which their crops were obliged to be sold?

Mr. McLAUGHLIN. They never referred to them in any way.

The CHAIRMAN. What is the physical condition of the Crow Indians, in a general way—is there anything particularly observable with reference to their physical condition?

Mr. McLAUGHLIN. They are a fine-looking lot of Indians; fine, able-bodied, strong, and rugged. They appear as if they were well kept. There are no Indians on the continent, and I am familiar with all of them, who have a better appearance than the Crows physically. The doctors at the reservation have told me that they are not strong and that they are really not rugged, but they certainly do not show it in their appearance.

Senator DIXON. What is the cause of their not being rugged?

Mr. McLAUGHLIN. That is something that I do not know myself, other than I was told by Doctor Tucker, who was there two years ago. That was the only time I ever inspected the Crow Reservation thoroughly—two years ago last February. Doctor Tucker told me they were a people who were very much diseased.

Senator DIXON. What disease?

Mr. McLAUGHLIN. Syphilis had this effect.

The CHAIRMAN. Was this Mr. Dalby there while you were there?

Mr. McLAUGHLIN. He was there for a day; just a day.

The CHAIRMAN. Did he attend the council?

Mr. McLAUGHLIN. Not at the time I was there. I think it was the 28th of December Mr. Dalby was there. I left that evening and Mr. Dalby left some time the following morning. He was then at the agency, and that was the only time I ever saw him there.

The CHAIRMAN. Did you attend any council at which he is said to have sworn at the Indians?

Mr. McLAUGHLIN. I did not; I was not present. There was no council during the time I was there when he was there.

The CHAIRMAN. Do I understand that there was a council held in December?

Mr. McLAUGHLIN. Not any that I know of.

Senator DIXON. Major McLaughlin, how long have you been in the Indian service?

Mr. McLAUGHLIN. I have been in the service thirty-seven years the 30th day of next June.

Senator DIXON. How long did you act as Indian agent?

Mr. McLAUGHLIN. Nearly twenty-four years.

Senator DIXON. Over what Indians?

Mr. McLAUGHLIN. I was at Devils Lake, in North Dakota, for ten years, and was transferred to Standing Rock in 1881. I was there fourteen years, lacking a few months.

Senator DIXON. That was the largest Indian reservation in the country, was it not?

Mr. McLAUGHLIN. At that time it was the most important; all of the hostile Sioux were brought in there and kept there for one year. I had all those under me. I had an agency of over 6,000 people.

Senator DIXON. And you were at the Standing Rock Sioux Agency for about fourteen years?

Mr. McLAUGHLIN. Pretty nearly that.

Senator DIXON. How long have you been an inspector in the Indian service?

Mr. McLAUGHLIN. Thirteen years last January.

Senator DIXON. In your capacity you visited the various reservations all over the country?

Mr. McLAUGHLIN. All over the country; yes, sir.

Senator DIXON. How long have you known the Crows?

Mr. McLAUGHLIN. I have known the Crows—known of them and met a few of them from time to time—for the past twenty-five years, but only visited their agency for the first time ten years ago.

Senator DIXON. How many visits have you made to the Crow Indian Reservation in that ten years?

Mr. McLAUGHLIN. I should judge I have been there at least eight times.

Senator DIXON. You made a full inspection of this service two years ago, did you?

Mr. McLAUGHLIN. Two years ago. My report is dated the 8th of February. I made two reports on that same day, one on the reservation proper—agency and reservation—and the other on the schools, dated February 8, 1906.

Senator DIXON. How thorough was your inspection of the Crow Indian Reservation and conditions there at that time?

Mr. McLAUGHLIN. It was very thorough; as thorough as it was possible to make at that season of the year. It was in the winter season—as far as the agency and records and matters of that kind were concerned and subissue stations, it was very thorough. I visited Big Horn and Pryor Creek.

Senator DIXON. You were there again this last fall, were you?

Mr. McLAUGHLIN. I was there a day in December and I was there ten days in February of this year.

Senator DIXON. Were you on the Crow Reservation at any time between your official inspection two years ago and your visit there last fall?

Mr. McLAUGHLIN. I was not, other than passing through on the Burlington train. I did not stop off the train.

Senator DIXON. I wish you would tell the committee the condition of the Crow Indians now as compared with their condition ten years ago, when you were first on the reservation?

Mr. McLAUGHLIN. I regard the Crow Indians as having made not only a very steady progress but a remarkable progress in the past ten years.

Senator DIXON. How has been their progress during Major Reynold's jurisdiction on the reservation?

Mr. McLAUGHLIN. My report of February 8, 1906, will show that I regarded the advancement made from the time I had visited there in Agent Becker's time as very remarkable, and during Major Reynold's time the evidences are very manifest of the very steady advancement they have made in buildings and fences and the general appearance of the Indians.

Senator DIXON. From your knowledge of the Indian reservations and the Indian agents, tell the committee what, in your opinion, has been Major Reynold's administration, whether good or bad, and how it compares with other Indian agencies and their conditions?

Mr. McLAUGHLIN. I reported on him in my official report after inspecting his agency in 1906, and in summing up classified him among the better agents, the best in the service, and I have seen nothing to make me change my mind in that respect since that. The Indians have made steady progress since that time.

Senator DIXON. To what extent are those Indians allotted?

Mr. McLAUGHLIN. They are all allotted except the children that were born since, I think, two years ago last December.

Senator DIXON. Tell the committee the condition of their allotments, whether they are irrigated land?

Mr. McLAUGHLIN. They are all excellent lands, all irrigable lands, and a great many of them already under ditch, under water.

Senator DIXON. To what extent has the Government put in irrigation ditches on these grass lands?

Mr. McLAUGHLIN. They have put in a ditch that is second to none in the United States, taken out of the Big Horn. The head gate is one of the finest irrigation works in the United States, and cost a good deal of money. I will say further in regard to allotments, that they received a certain number of acres of irrigable land, and are entitled to a certain number of acres in grazing land. The grazing land, of course, is not under ditch, but the land upon which they make their living and farm is irrigable land.

Senator DIXON. Are the Indians doing any farming on this irrigated land at this time?

Mr. McLAUGHLIN. They are indeed, especially along the Big Horn and the Black Lodge District, as I have seen in passing through.

Senator DIXON. What, in your opinion, Major McLaughlin, based on your thirty-six years' experience with Indians and Indian reservations, should be done with the Crow Reservation, from the standpoint of the Indian and the white man also, as regards opening the remaining part of this reservation to settlement?

Mr. McLAUGHLIN. Senator, I for many years was a great believer in holding reservations intact, that the Indians might be protected within the boundaries of their respective reservations and educated

in the white man's way, but after very careful study and close observation I have changed my mind in regard to that for the benefit of the Indians. I believe that the sooner the Crow Reservation is opened up to settlement the better it will be for the Indians. The Indians are naturally opposed to it, but you will see by the minutes of the councils the way that they accepted that proposition.

Senator PAYNTER. Accepted the proposition to open?

Mr. McLAUGHLIN. Under certain conditions; that is, provided their delegation would be permitted to come before the Department officials and the committees of Congress and explain their wishes in the matter, why they wished a few changes made, but I am confident they understand. In the first place, I am very much opposed, for the good of the Indian, to the leasing of lands for pasture. So long as they continue to lease it would be unsatisfactory to the Indians and cause a great deal of distrust in their minds, whether it is under the acreage system or the permit system. The acreage system is better, because they know exactly what they are to receive. When the cattle or sheep are brought in under the permit system they will always imagine, whether it be true or not, thatt here are more on the reservations than they are being paid for.

Senator DIXON. Do you find a great deal of complaint of this character at these various agencies?

Mr. McLAUGHLIN. Yes; all over the service.

Senator DIXON. By permit?

Mr. McLAUGHLIN. Yes, sir; by permit. Whether there is the same in the Uinta country and the Standing Rock and Cheyenne reservations I do not know. At Rosebud they had a great deal of trouble over that permit system.

Senator DIXON. As long as Indian reservations are kept intact the only way to get any revenue for the Indian is by leasing or grazing land.

Mr. McLAUGHLIN. The only way.

Senator DIXON. And that always leads to suspicion and trouble.

Mr. McLAUGHLIN. Yes, sir.

Senator DIXON. And you state in your opinion the Indians on the Crow Reservation would be far better off with the reservation open——

Mr. McLAUGHLIN. I do.

Senator DIXON. Than it is in its present condition?

Mr. McLAUGHLIN. Yes, sir. In the first place, the revenue that the Indian receives from rental of pastures enables him to live without making much of an effort, and if he was confined to his allotment, to his individual allotment, and his grazing land, and receiving a fair value for his surplus land, bringing the white people in among them, the children mingling with the children of the whites and going to the same day school—the day school is the school of the future, in my opinion, in civilization—I regard it better all around, not only for the Crows, but all Indians of the country who have similar reservations.

Senator DIXON. Now, under the allotments of the Crow Indians which have already been made, except those who were born during the last two years, how much irrigated land does an average Indian family, consisting of a man and his wife and four children, receive?

Mr. McLAUGHLIN. The head of a family among the Crows receives 80 acres. Now, there are so many different reservations in the country and the size of allotments vary in many instances.

Senator DIXON. You mean of the Crows especially?

Mr. McLAUGHLIN. Yes; and conditions are so different that I am not so familiar as their agent would be with regard to the matter, but from my recollection, it is 80 acres to the head of the family and 40 acres to the minors.

Senator DIXON. And to the wife?

Mr. McLAUGHLIN. Yes, sir; that is the head of the family himself, the husband and the wife.

The CHAIRMAN. The husband or wife?

Mr. McLAUGHLIN. Yes; husband or wife; the head of the family.

Senator DIXON. Then on the Crow Reservation at this time these Indians have already been allotted irrigable lands, so that an average family of a man and wife and four children has already had allotted to him, under irrigation ditches already constructed, 280 acres per family.

Mr. McLAUGHLIN. That is as I understand it.

Senator DIXON. In addition thereto this same family would receive something like eight hundred acres, as Mr. Shiveley has testified.

Mr. McLAUGHLIN. Of grazing land?

Senator DIXON. Of grazing land. Major McLaughlin, can an Indian properly farm this amount of irrigated land—the average family?

Mr. McLAUGHLIN. I think it is a greater amount than he con cultivate or care for.

Senator DIXON. Under the Government irrigation ditch at Huntley, at this same reservation, the irrigated acreage allotted to a family is only 40 acres, is it not?

Mr. McLAUGHLIN. That is all.

Senator DIXON. And the Indian receives seven times the amount of irrigated land?

Mr. McLAUGHLIN. I would say that in my judgment that 40 acres unit is not sufficient.

Senator DIXON. For a white?

Mr. McLAUGHLIN. For a white family. After he gets his buildings and a little pasture for his stock it leaves him very little land to cultivate.

Senator DIXON. How much irrigated land can a white family properly cultivate and care for?

Mr. McLAUGHLIN. I think he can handle 80 acres.

Senator PAYNTER. That is, the average-size family?

Mr. McLAUGHLIN. Yes, sir; the average-size family.

Senator DIXON. This council that you called in February of this year—tell the committee under what authority you convened the council of the Crow Indians to discuss the bill for opening their reservation.

Mr. McLAUGHLIN. It is stated in my report, under Department instructions of December 28, 1907.

Senator DIXON. The Department ordered you to go there and convene the council and talk over this bill for opening their reservation?

Mr. McLAUGHLIN. Yes, sir.

Senator DIXON. Did you give full notice to the Indians of the convening of the council?

Mr. McLAUGHLIN. I gave full notice. I met a number of Indians along in the latter part of January at Helena, and I told them that as soon as I was through in Helena I was going to the reservation and would wish to meet them at the agency; that I had heard that there was some smallpox in the camp, and in case it should become epidemic I would not assemble them, I would defer the matter for a time, and they said—both Spotted Rabbit and Plenty Coos—they did not think the smallpox would affect the meeting at all. So they went home some days before I went to the Crow Agency, and were prepared for it and had talked over the matter. It had been generally known all over the reservation, and upon my arrival on the 7th the notice was sent out to the different camps and settlements by the agent to have the Indians assembled on the 11th at 1 o'clock—that was from the 7th to the 11th. I arrived on Friday—Friday, Saturday, Sunday, Monday, and assembled on Tuesday.

Senator DIXON. There was a full and fair notice sent to all, was there?

Mr. McLAUGHLIN. Yes, sir; there was no question about that.

Senator DIXON. Was it a representative body of Indians that assembled in response to that notice?

Mr. McLAUGHLIN. Knowing the Crows as I do, I regard it as an exceptionally fine representative body. The leading men of the reservation were present, as the council minutes will show. They were all the leading representatives of the reservation—the speakers.

Senator DIXON. At your first council the Indians were naturally opposed to opening their country to settlement, were they?

Mr. McLAUGHLIN. Yes, sir; it is the same with all. I have made something over forty agreements with Indians in the past ten years, and have never submitted a proposition for the opening of a reservation to the Indians but what they opposed it in the beginning. That is very natural.

Senator DIXON. And that was a similar case with the Crows?

Mr. McLAUGHLIN. Yes, sir.

Senator DIXON. At the second meeting of the council that they had, when you explained the purpose of the bill, was there some change of opinion apparent?

Mr. McLAUGHLIN. A very great change. I explained it with great care—the first talk was chiefly by myself, in explaining the bill, and a few of the speakers afterwards expressed themselves with relation to the matter, but I gave them the bill with regard to the opening of the reservation, and also the one providing for the creation of a horse-breeding farm there, and I furnished them my letters of instruction in connection with the matter, so there would be nothing that they were not familiar with. Then I directed them to at any time, when any question was raised on which they desired further explanation, to send for me; that I would be at the hotel, right in the heart of the little agency group of buildings. They continued in council from the evening when we adjourned up to very late that night—I understood about 11 o'clock—and instead of reconvening them the next morning, as was expected, they sent word to me that they wanted to continue in council that forenoon and would meet me after dinner, and our council reconvened, I think, if I remember

correctly, at about 2 o'clock on the 12th. We remained in council until supper time and then reassembled again, and when we adjourned you will see the conclusion that had been reached. They appointed a committee, or elected a committee, and everything was done fully according to the manner of conducting a convention.

Senator PAYNTER. Major McLaughlin, I would like at this point to ask you a question. This council was convened then for the sole purpose of determining or ascertaining whether or not those Indians wanted the reservation open?

Mr. McLAUGHLIN. Yes, sir; that was under discussion chiefly.

Senator PAYNTER. It was not called for the purpose of determining whether or not proper charges had been filed against the agent out there or whether they had any foundation?

Mr. McLAUGHLIN. That was not brought up at all.

Senator PAYNTER. I am glad to hear you say that, for the reason that I could not quite understand why these Indians would select those who are employed by the Government to represent them here in regard to an investigation of the Indian agent out there. Your statement relieves me very much of the curious notion or idea I had in regard to this matter.

Mr. McLAUGHLIN. You will see in the closing paragraph of the minutes of the council that one of the speakers referred to that matter, stating that it was ended. He said there had been some trouble on the reservation during the past year, but it had all subsided and everything was quiet.

Senator PAYNTER. So the representatives selected were not selected with a view of having that investigation made—that is, the investigation with reference to charges against the agent?

Mr. McLAUGHLIN. Not at all. This delegation was entirely with regard to the reservation matters.

Senator DIXON. As long as Senator Paynter has made this inquiry, I would like to ask, Major McLaughlin, if you are familiar with these charges that were made by Mrs. Grey against the conduct of the agency and the agency affairs on the reservation.

Mr. McLAUGHLIN. Somewhat; I might say fairly familiar.

Senator DIXON. In your opinion are they or not well founded?

Mr. McLAUGHLIN. I do not regard them as well founded. I do not believe they are well founded.

Senator DIXON. Well, at the second and last council with the Indians they suggested two or three changes in the bill. Will you state to the committee what those suggested changes were?

Mr. McLAUGHLIN. First, that the provision in section 4 of the bill, authorizing the appointment of a commission of five members to inspect, classify, and appraise the surplus lands, be modified so as to provide for three members.

Senator DIXON. What was the other objection?

Mr. McLAUGHLIN. Second, that provision be made for the disposal of the land classified as grazing lands, that they may be sold in the discretion of the Secretary of the Interior, so that this class of lands may be disposed of at the earliest practicable date after being open to entry, this that the Indians may receive payment therefor within a reasonable time and not have such grazing lands appropriated by whites for stock ranches; and the Indians deprived of the benefit from them as in the case with the million one hundred and fifty thousand

acres of the northern part of the reservation opened to settlement July 16, 1906. Third, that the paragraph of clause 9, page 9 of the bill, authorizing the relinquishment of irrigable allotments and taking not exceeding ten times the acreage of grazing land in lieu thereof, be eliminated.

Senator DIXON. Those were the three changes they wanted made in the bill?

Mr. McLAUGHLIN. The three principal changes; yes, sir.

Senator DIXON. Those representatives now before the Senate committee which were elected at the council, were they representative, intelligent Indians from the Crow Reservation?

Mr. McLAUGHLIN. I regard them as the very brightest and best representatives that could be selected for the same number from the Crow Reservation.

Senator DIXON. I believe, with due modesty, that you are known as the great friend of the Indians, are you not, among many of the tribes on account of your long service?

Mr. McLAUGHLIN. I endeavor to be; I certainly wish to be a friend of the Indians. The Indians believe what I say to them throughout the country. They say that they believe me. They all give that expression quite freely.

Senator DIXON. And you have never misrepresented to them.

Mr. McLAUGHLIN. No, sir; never.

Senator DIXON. You are now writing a book covering your long experience with Indian affairs, I believe?

Mr. McLAUGHLIN. I have a book written; yes, sir. The title of the book is, "My Friend the Indian."

The CHAIRMAN. Have you any further statement that you care to make?

Mr. McLAUGHLIN. With the permission of the committee, I would state that at the time of my visit to the Crow Indians last February—I mention this from the fact that you asked me if I knew anything about any disturbance or unsettled condition of affairs on the Crow Agency—I have known of it because I was familiar with the investigation that was made by Inspector Dalby. At the time of my visit to the Crow Agency last February matters seemed to have readjusted themselves, as no evidence of discontent or uneasiness was manifest among the Indians during my ten days sojourn at their agency. I have also very recently been led to believe that the Indians have no further cause for dissatisfaction, and that the Indians, if there is no discontent stirred up among them, will continue to advance steadily. I would state as my opinion that I regard it as fortunate for the peace of the community of that section of Montana and Wyoming—that this agitation was among the friendly and well-disposed Crow Indians rather than among those of the more turbulent tribes. Should similar conditions have prevailed among the more powerful and easily excited Sioux, it would not only have demoralized them greatly, but would perhaps have required the presence of a strong showing of troops to have quelled the disaffection and restore reservation matters to their normal condition. That is my candid opinion.

Senator DIXON. Was this on account of the agitation that Mrs. Grey has carried on for a year?

Mr. McLAUGHLIN. That was carried on there for several months; yes, sir.

Senator DIXON. The Indian is naturally an illiterate person—that is, except the educated ones—and naturally susceptible to insinuations.

Mr. McLAUGHLIN. Yes, sir; very. One person can stir up an Indian more than twenty can overcome or counteract, by little words and inuendos, creating or raising suspicion in the minds of the Indians. All the Indian tribes are alike in that respect, but the Crow, perhaps, is the best-disposed Indian of any Indians on the continent. They have always been loyal to the Government and aided the Government in many ways when we needed scouts an assistance to proceed against the unfriendly tribes—those who were at war with the Government—and they take great pride in being regarded as the peaceful and friendly Crows.

Senator DIXON. The Government never had any trouble with the Crows, did it?

Mr. McLAUGHLIN. It never had any trouble with the Crows; no, sir.

The CHAIRMAN. Did you see anything of the Government school at the Crow Agency?

Mr. McLAUGHLIN. I did; I made a very thorough inspection of that school two years ago last February.

The CHAIRMAN. Did you take any particular note of it at this last visit.

Mr. McLAUGHLIN. I did not visit it at all.

The CHAIRMAN. You did not go there this last time?

Mr. McLAUGHLIN. No, sir; I was there on this special work.

The CHAIRMAN. What did you observe as to the physical condition of the scholars at that school when you investigated them?

Mr. McLAUGHLIN. They were a very nice-looking lot of children, and impressed me very favorably, and the discipline was very good at the school.

The CHAIRMAN. There is testimony before us to the effect that they nearly all bore the mark of disease on their faces—running sores, etc.

Mr. McLAUGHLIN. I do not recall any special case of that, but it is a very rare occurrence to visit an Indian school at any time when you will not find some marks of scrofula affection on the neck, but they make a special point to separate the children with any sores about them. The instructions of the Department are very strict in that respect.

The CHAIRMAN. There is testimony before the committee that the children all wash in one washing utensil—that is, utensils used in common—and that apparently no pains are taken to prevent the use of the same water in washing, and in the same utensils and with the same towels, by the number. What do you say of any regulation with reference to their use of common washing facilities?

Mr. McLAUGHLIN. The regulations are very clear in that respect, to avoid in every way possible such a condition, such as mingling with the others or washing in the same water, or using the same towel. As a general thing each child has its own towel.

The CHAIRMAN. I am now speaking of the Crow Agency.

Mr. McLAUGHLIN. That is my recollection of the Crow Agency.

Senator SUTHERLAND. Mrs. Grey said something about a stiff brush being used, as I understood it, on the faces of the children, the same brush being used repeatedly.

Mr. McLAUGHLIN. I remember Mrs. Grey's statement. It is possible, but I doubt it very much.

Senator SUTHERLAND. You observed nothing of that kind?

Mr. McLAUGHLIN. I never heard of anything of that kind. I never have seen it used and never knew it to be used. In regard to that school as I found it at the time, my report is on file down at the Department, dated February 8, 1906; I have not visited the school since that time.

Senator SUTHERLAND. I suppose Mr. McLaughlin covered the question as to the acts of the agent, and all other things out there.

Mr. McLAUGHLIN. Yes, sir; up to the time I made the investigation, and the thorough inspection of the agency two years ago last February—and I have met Agent Reynolds frequently since, and I have no reason to change my mind as stated in my report made at that time, which is on file in the Department. I asked this morning that it be sent up here to the committee.

The CHAIRMAN. Do you know anything about the fact of Mr. Oshkosh getting on a drunken spree and whipping his wife and having a row with other people?

Mr. McLAUGHLIN. This is the first time I have ever heard mention of it.

The CHAIRMAN. Is there any representative of the Big Horn district here with this delegation?

Mr. McLAUGHLIN. I understood that there were three selected, and they wanted a representative from Lodge Grass, and they dropped one of the three from Big Horn, but as I understand it there are two from the Big Horn district in the delegation now here.

The CHAIRMAN. Which two are they?

Mr. McLAUGHLIN. I am not familiar enough with the Indians to know.

The CHAIRMAN. Was Horace Longbear one that was chosen to come from Big Horn?

Mr. McLAUGHLIN. He was one of the three. My report shows the whole matter.

For the information of the committee I think it proper for me to say that perhaps I am largely responsible for no attention being paid to the districts in the selection of the committee, as you will see in the minutes of the council. With regard to the matter of their coming down here I suggested that they appoint the very strongest and best men that they had on the reservation regardless of the district in which they resided. The districts were not considered, and I could not say what districts the Indians are from.

Senator PAYNTER. I would like to ask one question. Major, just before I left you expressed the opinion that there was no foundation for these charges against the agent. Did you go into that question and ask the Indians over the reservation—those in position to know—as to these various charges?

Mr. McLAUGHLIN. I did not.

Senator PAYNTER. You just expressed your individual opinion, from what you had heard?

Mr. McLAUGHLIN. From what I saw and from what I learned from Mr. Dalby during the investigation by the grand jury at Helena, Mont.

Senator PAYNTER. Just one other question. Is there any suspicion against the Indians who accept employment by the Government—that is, suspicion by the tribes; do they lose confidence in him when he is employed by the Government?

Mr. McLAUGHLIN. Not at all. It is his great ambition to reach that standing in the tribe that he may be employed by the Government and thus recognized.

Senator PAYNTER. So generally among the tribes there is no feeling of suspicion because he has accepted service at the agency?

Mr. McLAUGHLIN. Not at all, not among any of the tribes. They look upon it as an honor to be employed by the Government.

The witness was thereupon excused.

STATEMENT OF SAMUEL G. REYNOLDS.

SAMUEL G. REYNOLDS, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. State your name, age, and occupation.

Mr. REYNOLDS. Samuel G. Reynolds; 39 years of age; United States Indian agent.

The CHAIRMAN. Where are you located?

Mr. REYNOLDS. At the Crow Indian Agency, Mont.

The CHAIRMAN. How long have you been there?

Mr. REYNOLDS. Six years the 1st of July.

The CHAIRMAN. What experience, if any, have you had as Indian agent or in connection with the Indian Service before going there?

Mr. REYNOLDS. I never had had any.

The CHAIRMAN. Where did you reside before going there?

Mr. REYNOLDS. At Billings, Mont.

The CHAIRMAN. You have been present during these hearings, have you?

Mr. REYNOLDS. I have.

The CHAIRMAN. You may now proceed and make such statement as you desire, or we will take it up in interrogatories. Perhaps the better way would be for you to make such statement as you care to, in view of the proceedings up to this point.

Mr. REYNOLDS. Mrs. Grey first came to Crow Reservation claiming to have been sent there by Collier's Weekly. She had a free passport from me to stay there and get material for stories. She deliberately planned from the beginning of her work to get money from the Indians, and in order to accomplish this she enlisted the sympathy of two or three disreputable white men married to Indian women and a few Indians who have a greater desire to make trouble than to work. She did get money from the Indians, and when she called a meeting of the Lodge Grass Indians, where the collectors who had been soliciting funds from Indians of other dist i ts were to report, I arrested her and put her off the reservation.

Senator DIXON. Just state when these things happened?

Mr. REYNOLDS. In March, 1906.

Mrs. GREY. I would like to have Mr. Reynolds give the names of the disreputable white men?

The CHAIRMAN. You will have an opportunity when Mr. Reynolds gets through.

Mr. REYNOLDS. George Pease prevented the Indians at that meeting from giving her a large sum of money. She afterwards got this money from the Indians, and has continued through Tom Doyle to try and collect money from them from that day on to the time of her hearing before the Federal grand jury.

Her statements regarding conditions on the reservation are false, and her charges made against the officers in charge and the people who have privileges upon the reservation are the vilest slander.

I personally invited Mr. Brosius, agent of the Indian Rights, to stay over and visit the reservation; and Mr. Sniffen, after telling me he would go to Crow Agency to investigate, afterwards told me he just wanted to go down and come right back, just so he could wire his people he had been there, when he hoped they would wire him to come home. I told Mr. Sniffen my reasons for not wanting any more excitement caused among the Indians—that they had already been caused much trouble from the continued agitation of the Mrs. Grey matter among them. They had been kept from work and away from their homes and were anxious to be left alone and not further bothered. Aside from the harm it does the Indians by keeping them away from work and their homes, I do not care how many responsible people come to the reservation to look into affairs. And any objection I make to further investigation on the reservation is for the welfare of the Indians and not for myself, as I know it would redound to my credit. The serious criminal charges against me before the grand jury at Helena were as I stated to you at Thursday's hearing. The serious one was my buying two steam thrashing outfits, paying $10,000 for them, and getting a rebate back of $4,000. She cited Harry Thompson and E. N. Thatch, of Parkman, Wyo., as witnesses. Thompson was there and testified he knew nothing of the case. It turned out that there was no man by the name of Thatcher in that country. I have the certified copies of the thrashing-machine transaction.

Senator SUTHERLAND. Certified what?

Mr. REYNOLDS. Certified copies.

Senator DIXON. Go ahead now and explain the whole threshing machine transaction, as to what she charges you with and what the records show. Just state briefly what the conditions were?

Mr. REYNOLDS. It proved that I requested the purchase of two steam threshing outfits, through the Chicago warehouse, and my first request was denied by the office. I then asked them to explain the reasons why more fully; that they needed two steam threshing outfits; that the Indians had raised large crops of grain; that in the past we had been threshing with horsepower outfits and their threshing continued until late in the winter, and it was a necessity that they have the steam threshing outfits. The Department then wrote me that they had ordered the steam threshing outfits purchased through the Chicago warehouse. I had nothing to do with the buying of them and never knew what they cost until it appeared before the grand jury at Helena that the amount was about $3,900, laid down at Crow Agency.

Senator PAYNTER. For each machine?

Mr. REYNOLDS. For two.

Senator DIXON. Mrs. Grey had charged you with receiving $4,000 rake-off on the purchase?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. Did she charge this before the grand jury?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. So you had nothing to do with the purchase of the outfit except to report the necessity for it?

Mr. REYNOLDS. That was all; the payment was not made through me.

Senator DIXON. Now go on with your story, Mr. Reynolds, as you have started.

Mr. REYNOLDS. Every other charge before the grand jury turned out the same way. I asked that the grand jury go to the bottom of everything. Three or four days before they adjourned they called me in and the foreman said they had gone through everything and had examined a lot of stuff that had no bearing on the case whatever. He said they had taken everything that came and considered it. A juryman by name of Redpath told me that the investigation had only redounded to my credit. I have here what documents I have been able to hurriedly get from the Department, and I wish to introduce the one showing the transaction of C. H. Morrill, president of the Lincoln Townsite Company. Mrs. Grey states that they or their representatives got the land sold at inherited-land sales. I think we have had three sales, and about 80 or 90 have been sold. I think the Lincoln Townsite Company has purchased seven pieces, the rest going to various people. The bids coming from various sections of the country will convince you that the sales were thoroughly advertised.

Senator DIXON. Have you a record of the bids on the seven pieces of land that the Lincoln Townsite Company purchased?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. Have you them with you?

Mr. REYNOLDS. Yes, sir; I have the original documents from the office.

Inherited Indian lands sold September 1, 1906, which Mrs. Grey charges were bought entirely by the Lincoln Land Company or their representative members; I submit a schedule showing what was bid, who bid, and who was given the deed. At the first sale the Lincoln land people, through C. H. Morrill, their president, got five pieces of land.

Senator DIXON. Out of how many advertised?

Mr. REYNOLDS. Between 35 and 40, as my memory serves me.

Holds His Tail, allottee 52, 160 acres—NE. ¼ sec. 23, T. 1 S., R. 33 E., Yellowstone County.

Appraised	$640
Bids:	
Mrs. Ida M. Wells, Joliet, Mont	400
E. Gillette, Sheridan, Wyo	1,040
C. L. Harris, Billings, Mont	816
C. H. Morrill, Lincoln, Nebr	6,240

Senator DIXON. On what do you make this appraisement?

Mr. REYNOLDS. I made the appraisement on the basis of a conversation that you and the President and myself had at the White House.

Senator DIXON. At the time that this land was thrown open for settlement?

Mr. REYNOLDS. Yes, sir; on the basis of $4 an acre.

Senator DIXON. Four dollars an acre was what the President asked the price to be put at?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. Are these irrigated lands or grazing lands, non-irrigated lands?

Mr. REYNOLDS. They are nonirrigated lands; there was not an improvement on any of them.

Senator DIXON. Was it wild brush or cultivated lands?

Mr. REYNOLDS. It was wild sagebrush. I gave a full description in my report of the appraisement.

Senator SUTHERLAND. These are the bids that you are reading?

Mr. REYNOLDS. Yes, sir.

Sonator SUTHERLAND. Was each of these tracts the same size, 160 acres?

Mr. REYNOLDS. No, sir; they are not; they are on the same tract.

Senator SUTHERLAND. I beg pardon.

Mr. REYNOLDS. I would like to call attention to Mr. Gillette. He is one of the men whom Mrs. Grey has alleged is a member of the Lincoln Townsite Company, and he put in a bid against the president. Gillette bid $1,040, and the president bid $6,240 on the same piece.

Senator DIXON. How much in excess of the next highest bid was the Lincoln Townsite Company bid for this 160 acres of land?

Mr. REYNOLDS. Five thousand two hundred dollars.

Senator DIXON. Higher than any other bid?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. Was it bought with a view to building a town?

Mr. REYNOLDS. It was a town site; that was the cause of the high bid on it. I have bunched this Lincoln Townsite land to make it come consecutively.

Fire Bird allottee 56—NE ¼ sec. 22, T. 1, R. 33, 160 acres.

Appraised	$640
C. H. Morrill, Lincoln, Nebr	2,800
Fred Wight, Joliet, Mont	1,001
N. C. Bacheller, Billings, Mont	960
E. Gillette, Sheridan, Wyo	840
J. W. Chapman, Red Lodge, Mont	1,500

Senator DIXON. Who got that piece of land?

Mr. REYNOLDS. C. H. Morrill.

Senator DIXON. You have not given his bid.

Mr. REYNOLDS. Two thousand eight hundred dollars, the first one.

Strikes the Iron, allottee 73—N. ½ SE. ¼ sec. 23, T. 1, R. 33, 80 acres.

Appraised	$400
R. H. Walsh, Sheridan, Wyo	160
E. Gillette, Sheridan, Wyo	600
N. C. Bacheller, Billings, Mont	640
C. L. Harris, Billings	2,008
C. H. Morrill, Lincoln, Nebr	4,920

Medicine Snake, allottee 53—NW. ¼ sec. 23, T. 1 S., R. 33 E, 160 acres.

Appraised	480

Senator PAYNTER. Medicine Snake; does that belong to Medicine Snake?

Mr. REYNOLDS. He was the allottee.

Senator DIXON. These are all dead Indian allotments?

Senator PAYNTER. Yes; I understand.

Cleona Bacheller, Billings, Mont	$640
W. E. Riley, Billings, Mont	688
E. Gillette, Sheridan	840
Joseph Brinton, Billings	3,200
C. H. Morrill, Lincoln, Nebr	6,240

Mr. REYNOLDS. The Joseph Brinton bid should not have been recognized, as he inclosed a personal check not certified, and I have never been able to find him to return it to him.

Knows to Take a Horse, allottee 74—N. ½ SW. ¼ sec. 24, T. 1, R. 33, 80 acres.

Appraised	$320
C. H. Morrill, Lincoln, Nebr	4,920
M. I. Draper, Rancher, Mont	560
C. L. Harris, Billings	408
E. Gillette, Sheridan, Wyo	600
N. C. Bacheller, Billings	640

RECAPITULATION OF BIDS.

	Lincoln Land Company.	Next.	Lowest.
Holds his Tail	$6,240	$1,040	$400
Fire Bird	2,800	1,500	840
Strikes the Iron	4,920	2,008	160
Medicine Snake	6,240	3,200	640
Knows to take a Horse	4,920	640	408
	25,120	8,388	2,448

Senator SUTHERLAND. Were these tracts sold at public auction or by sealed bids?

Mr. REYNOLDS. By sealed bids; $16,732, the Lincoln Town site Company paid more than the next highest bid, $22,672 more than the lowest bid, averaging nearly $40 per acre raw, unimproved land.

Senator SUTHERLAND. Can you give the committee the appraised value of these five pieces—the aggregate appraised value?

Mr. REYNOLDS. Two thousand two hundred and forty dollars.

Senator SUTHERLAND. Two thousand two hundred and forty dollars was the appraised value and it was sold for a little over $25,000.

Mr. REYNOLDS. It was sold for $25,120.

Senator SUTHERLAND. How do you make this appraisement, by visiting the land.

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Of course, you appraised it for farming purposes—as farming land—and these people, this Lincoln Townsite Company bought it and paid the town-site price for it.

Mr. REYNOLDS. Yes, sir; this land was located on the Burlington Railroad, and that is why they wanted it for a town site, and that is why they bid that enormous sum. The other people who made the low bids bid on it as an agricultural proposition, and that was the only way I could appraise it, from that standpoint.

Senator SUTHERLAND. Did these five pieces of land all get into the same town site?

Mr. REYNOLDS. Yes.

Senator SUTHERLAND. They constituted one town site.

Senator DIXON. How many town sites does the Lincoln Townsite Company own through the present Crow Reservation?

Mr. REYNOLDS. The town site of Hardin; that is, at this point where these lands are.

Senator DIXON. Do they own any other town sites in the reservation?

Mr. REYNOLDS. No; not a single one.

Senator DIXON. Now, about the thirteen town sites on the ceded strip, under the Huntley ditch; do they own any of those?

Mr. REYNOLDS. No; not a single one.

Senator SUTHERLAND. Were there thirteen town sites on that strip?

Mr. REYNOLDS. Not that I know of.

Senator SUTHERLAND. Are there any town sites on it?

Mr. REYNOLDS. The reclamation people have laid out town sites and averaged the lots for sale.

Senator SUTHERLAND. That is being done by the Reclamation Service?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. And they set aside six town sites?

Mr. REYNOLDS. I do not know, Senator.

Senator SUTHERLAND. I thought you said six.

Senator DIXON. I said six. It may be seven.

Mr. REYNOLDS. I know there are not thirteen.

Senator SUTHERLAND. But you know they are all under the control of the Reclamation Service.

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. I do not see how they could be otherwise.

Mr. REYNOLDS. I have picked out various other pieces. I have the various documents from the Department to show that land in this same locality was sold to other people, and sold at a very much lower figure.

Takes a Gun First, allottee 1—N. ½ SE. ¼ sec. 12, T. 1 S., R. 33 E.

Appraised	240
Bids:	
F. G. Pickering, Joliet, Mont	550
Cleona Bacheller, Billings, Mont	320
Wm. H. Downs, Mullan, Idaho	440
E. Gillette, Sheridan, Wyo	250

Grey Eyes, allottee 1213—NW. ¼ NE. ¼ sec. 14, T. 1 S., R. 33 E., 40 acres.

Appraised	120
Bids:	
J. W. Chapman, Red Lodge, Mont	401
N. C. Bacheller, Billings, Mont	200
E. Gillette, Sheridan, Wyo	140

Senator SUTHERLAND. Those are tracts of land other than those sold to the Lincoln Townsite Company, are they?

Mr. REYNOLDS. Yes, sir; and they are within half a mile to 4 miles from them.

Senator SUTHERLAND. And they constitute a portion of the twenty-five allotments that you speak of.

Mr. REYNOLDS. Yes, sir.

Wolf Woman, allottee 414.—SE. ¼ SE. ¼ sec. 29, S. ½ S. ½ sec. 28, S. ½ SW. ¼ and lot 8, sec. 27, T. 1, R. 33.

Appraised	$967.68
Bids:	
E. Gillette, Sheridan, Wyo	700.00
C. M. Bair, Billings, Mont	825.79
D. R. Drake, Joliet, Mont	1,000.00
H. V. Bailey, Crow Agency, Mont	1,201.00
N. C. Bacheller, Billings, Mont	1,280.00
J. W. Day, Huntley, Mont	1,792.00
T. M. Kehoe, Billings, Mont	2,600.00

Takes a Pistol, allottee 643.—W. ½ NE. ¼ sec. 11, T. 1, R. 33.

Appraised	$320
H. V. Bailey, Crow Agency, Mont	320
R. H. Chilcott, Rockvale, Mont	340
M. I. Draper, Rancher, Mont	420
D. W. King, Billings, Mont	241
F. E. Gay, Junction, Mont	608
J. W. Chapman, Red Lodge, Mont	804
Carl Rankin, Crow Agency, Mont	1,004

Senator CURTIS. Who is that?

Mr. REYNOLDS. Carl Rankin. He is from Lawrence.

Senator CURTIS. He is not an employee, is he?

Mr. REYNOLDS. No, sir; he is not.

Strikes the Man, allottee 943—NE. ¼ NW. ¼ sec. 11, T 1, R. 33.

Appraised	$240
F. E. Gay, Junction, Mont	304
Chas. Gaitskill	124
M. I. Draper, Rancher, Mont	210
J. W. Chapman, Red Lodge, Mont	250
H. V. Bailey, Crow Agency	250
McGuffey Bros., Cody, Wyo	440
C. M. Bair, Billings, Mont	502

Medicine Blanket, allottee 2212—N. ½ SE. ¼ sec. 11, T. 1, R. 33.

Appraised	320
N. C. Bacheller, Billings, Mont	400
C. M. Bair, Billings, Mont	402
O. M. Chilcott, Selisia, Mont	420
E. Gillette, Sheridan, Wyo	350
J. W. Chapman, Red Lodge, Mont	803
Marcus McKay, Roberts, Mont	1,080

Catches Enemy, allottee 2211—S. ½ SE. ¼ sec. 11, T. 1, R. 33.

Appraised	320
N. C. Bacheller, Billings, Mont	400
C. M. Bair, Billings, Mont	402
E. Gillette, Sheridan, Wyo	350
J. W. Chapman, Red Lodge, Mont	803
M. I. Draper, Rancher, Mont	360
O. M. Chilcott, Selisia, Mont	420
Marcus McKay, Roberts, Mont	1,080

Strikes in Camp, allottee 1312—S. ½ NW. ¼ sec. 11, T. 1, R. 33.

Appraised	480
Bids:	
Chas. Gaitskill, Billings, Mont	248
Robt. Franz, Silesia, Mont	325
M. I. Draper, Rancher, Mont	420
E. Gillette, Sheridan, Wyo	500
H. V. Bailey, Crow Agency, Mont	500
F. E. Gay, Junction, Mont	608
D. W. King, Billings, Mont	722
J. W. Chapman, Red Lodge, Mont	804
C. M. Bair, Billings, Mont	1,004

Thomas La Forge and James La Forge, page 10, compelled to sell land.

Hears Much, allottee 1050—S. ½ SW. ¼ sec. 12, T. 1 S., R. 33 E.

Appraisement	240
Bids:	
E. Gillette, Sheridan, Wyo	250
N. C. Bacheller, Billings, Mont	320
John Hollister, Junction, Mont	500
W. H. Downs, Mullan, Idaho	440
F. G. Pickering, Joliet, Mont	550
Jno. H. McGuffey, Cody, Wyo	960

Holds Her Enemy, allottee 445—SE. ¼ SW. ¼ or lot 4, sec. 10, T. 1, R. 33.

Appraised	160
Bids:	
E. Gillette	160
H. V. Bailey	180

Senator DIXON. Does the committee want to go into all these dead allotment sales?

Mr. REYNOLDS. I will leave the documents here for examination.

The CHAIRMAN. Very well; you may proceed with your statement.

Mr. REYNOLDS. I wish to say, regarding the allegation of Thomas La Forge and James La Forge, as appears on page 10 of the printed report—that they were compelled by me to sell their allotments at the town site of Huntley—that those Indians never owned the land at the town site of Huntley and that this statement is the first I ever read of it or heard it alleged in any way. Thomas La Forge was interpreter at the agency for years before I went there, and was official interpreter until he died, a year ago last June. He has an allotment on the reservation and has a house on it. James La Forge is now my official interpreter, and he has never spoken of this land. He has also an allotment on the reservation and has a house and a barn on it.

Senator PAYNTER. Is Huntley built on a dead allotment; is Huntley a town?

Mr. REYNOLDS. It is not on a dead allotment.

Senator DIXON. Huntley is on the strip that was ceded four years ago, on the other side of the reservation?

Mr. REYNOLDS. The Indians who held land there had six months in which to give up their claims and come over on the diminished portion of the reservation, and nearly all of them left that strip. In fact, they had not lived on the Yellowstone for years, and ever since I have been in the country, and there are very few homes on there.

Senator DIXON. Major Reynolds, what about this man John Frost that Mrs. Grey turned over to Senator Curtis the other day to rectify his wrongs?

Mr. REYNOLDS. John Frost during my term has never lived on the Crow Reservation; he has never made any request of me, written or oral, to sell his land, nor has he ever made any request of me, written or oral, to lease his land.

Senator CURTIS. Is he qualified to transact his own business?

Mr. REYNOLDS. John Frost is qualified to transact his own business, and I have so reported to the Department.

The CHAIRMAN. When, approximately?

Mr. REYNOLDS. In November; and regarding the selling of his land on the Yellowstone, the allottees on Schedule A have never received their trust patents.

Senator CURTIS. Were those the patents that were to have been issued to them under the act of 1882?

Mr. REYNOLDS. I think it was, Senator Curtis. I have taken this matter up a number of times with the Indian Office, and at my solicitation three different allotting agents have been sent to try and straighten up the boundaries of the allotment on Schedule A, and it is not completed as yet. Those Indians up there write me as though I was to blame. Some of them have written me recently.

The CHAIRMAN. These are the allotments in the ceded reservation, are they not?

Mr. REYNOLDS. Yes; John Frost's is one of them.

Senator PAYNTER. What do you mean by Schedule A?

Mr. REYNOLDS. Schedule A was a portion of the reservation that was thrown open in 1891 or 1892, as my memory serves me.

Senator DIXON. This is 150 miles from the present reservation. It is the old part that was opened up twenty years ago.

Senator SUTHERLAND. How did you come to report on Frost's competency to the Department?

Mr. REYNOLDS. It was in response to a departmental letter sent out requesting that it be done.

Senator SUTHERLAND. Has he made some application to the Department, if you know?

Mr. REYNOLDS. No, sir.

Senator SUTHERLAND. It is simply a general request?

Mr. REYNOLDS. It is the policy of the Department where an Indian is competent to go ahead and transact his own business that he be given the privilege to do so.

Senator DIXON. And you reported that John Frost was competent, along with 100 others?

Mr. REYNOLDS. A few less than 100 others?

Senator DIXON. I want to state for Senator Curtis's benefit, and to save him some correspondence—as I know about these troubles, I having had lots of trouble with these Indians, that they are mostly squaw men who live up there in the old part that was ceded years ago, and the reason they have not gotten that patent was on account of the defect in an old survey. My files are full of it. Where they tied the old survey onto the original survey the corners did not meet, and there are very many of them who never have gotten their patents.

Senator CURTIS. And that is why the restrictions have not been removed?

Senator DIXON. That is why those restrictions have not been removed.

Mr. REYNOLDS. Regarding the charge that the Indian moneys derived from the sale of inherited Indian lands are deposited in the bank at Billings, of which I am a director, I would say that from the documents certified I took this matter up with the Department and told them that I was a director in the First National Bank, and it was in response to a letter to me asking me to call on near-by national banks for bids on inherited Indian money deposits. I took the matter up and said that I was a director in a bank, and asked them if I could legally ask the First National Bank of Billings to bid on the money, and they wrote me back that they would relieve me of any embarrassment and ask for the bids to be sent directly to them. The First National Bank, in which I am interested, made a bid of 4 per cent on daily balance, and one other bank, in Sheridan, Wyo., made another bid; there were three banks asked for—the First National Bank of Sheridan, the Yellowstone National Bank, the First National Bank of Montana, which are the only national banks in that locality—and they awarded it to the First National Bank of Billings.

Senator CURTIS. And that is the one in which you are a director?

Mr. REYNOLDS. That is the one in which I am a director.

Senator CURTIS. You say they paid 4 per cent on daily balances?

Mr. REYNOLDS. Four per cent on daily balances.

Senator BROWN. Was that the highest bid?

Mr. REYNOLDS. That was the highest bid.

Senator PAYNTER. I suppose, as a matter of fact, you did not select the bank in which the money was to be deposited?

Mr. REYNOLDS. No, sir; I did it in the way I have stated, and the First National Bank of Billings gives a surety company bond to cover

the deposits. The bond at this time is $50,000, and the deposit, I think, is considerably less.

Senator SUTHERLAND. Before you pass that bank matter I would like to ask how the money is given out from the bank, by order of the Department, or you, or how?

Mr. REYNOLDS. I can pay an Indian $10 a month on his account on my authority. I can approve checks for $10 against his account.

Senator CURTIS. And if you think the Indian qualified you can make a larger payment for him if in your judgment it is necessary or advisable or to the best interests of the Indian. That is true, is it not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. That has to be submitted to the Department?

Mr. REYNOLDS. It is on the authority of the Department.

The CHAIRMAN. Your general authority is limited to $10 a month?

Mr. REYNOLDS. Yes, sir; these moneys are deposited to the individual credit of the Indian in the bank.

Senator PAYNTER. To each Indian?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. You use your discretion upon the question as to whether or not the money shall be paid out.

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Not the $10?

Mr. REYNOLDS. No, sir.

Senator SUTHERLAND. And as to larger amounts you use your own discretion about it?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. Can you tell the committee approximately what has been the balance in the hands of the bank of these Indians?

Mr. REYNOLDS. It has averaged between $20,000 and $30,000 to the best of my belief. I have adopted this policy with the Indians: I have encouraged them to spend this money in the purchase of stock and in the purchase of farm work horses, and in the purchase of agricultural implements, and in the purchase of furniture and things for their homes, and everything that would tend to make their home inviting, so that they would take an interest in building it up. I have never refused to ask authority for any Indian unless I had good and sufficient reasons, where he asked for money to spend in a manner that would be for his benefit. In several instances I have pledged my word to the man that I would see that the Indians paid for work teams and for cattle in advance of my authority to draw the check. These are the advertisements in the newspapers of land that is for sale.

(The papers referred to appear in the appendix to this record.)

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., August 16, 1907.

Hon. COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.

SIR: The Indians are constantly importuning me regarding the payment for the remaining 11 allotments sold last September, viz:

Strikes the Man	8
Medicine Blanket	10
Catches Enemy	11
Holds Her Enemy	14
Brings Pretty Horses	15
Hears Much	16

Grey Eyes..... 18
Takes a Gun First..... 22
Takes the Pistol..... 23
Strikes in Camp..... 24
Wolf Woman..... 26

Kindly advise me as to when these sales will probably be approved.

Very respectfully,

S. G. REYNOLDS,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 30, 1907.

The UNITED STATES INDIAN AGENT,
Crow Agency, Mont.

SIR: The Office has received your letter of the 16th instant in which you say that certain Indians are constantly importuning you concerning the payment for 11 allotments sold last September. You wish to be informed when these sales will probably be approved.

In response you are informed that the deeds for these allotments have been held up pending the issuance of patents for the land. Recently patents were issued for the allotments, and the deeds have this day been forwarded to the Secretary of the Interior for appropriate action.

Very respectfully, ——— ———, *Commissioner.*

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., August 16, 1907.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I respectfully request authority to approve checks as follow:

Takes Hold of Cloth, sale 4, $267 deposited April 13, desires full amount to purchase cattle.

Takes the Iron, sale 7, $502 deposited April 13, desires full amount to purchase cattle.

Edson Firebear, sale 5, $285 deposited May 6, desires full amount to improve his allotment and home.

John T. House, sale 25, $3,120 deposited May 6, desires $600 to purchase barbed wire, lumber, team, wagon, and harness.

Beaver That Passes, sale 7, $502 deposited April 13; has had $100 under land 39576; desires $150 to pay for hay machinery.

George Hill, sale 12, $544 deposited April 13; has had $200 under land 46981; desires an additional $100 to improve his allotment.

Ada Prettyman, sale 19, $2,800 deposited December 31, 1906; has had $600 under land 41519 and $225 under land 62646; desires $150 for hay machinery.

White Hip, sale 9, $3,120 deposited December 31, 1906; has had $2,000 land 27537, $150 land 39396, $172 land 62646; desires $100 for barbed wire.

Very respectfully,

S. G. REYNOLDS,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 27, 1907.

The UNITED STATES INDIAN AGENT,
Crow Agency, Mont.

SIR: Agreeably to your recommendation of the 16th instant, you are hereby authorized to approve checks of the following-named Indians in the amounts and for the purposes specified:

Takes Hold of Cloth, for $267, the full amount of his deposit, to purchase cattle.

Takes the Iron, for $502, the full amount of his deposit, to purchase cattle.

Edson Firebear, for $285, the full amount of his deposit, to improve his allotment and home.

John T. House, for $600, to purchase barbed wire, lumber, team, wagon, and harness. He has $3,120 on deposit.

Beaver That Passes, for $150, to pay for hay machinery. He has $502 on deposit. Has heretofore had $100.

George Hill, for $100, to improve his allotment. He has $544 on deposit. Has heretofore had $200.

Ada Prettyman, for $150, to pay for hay machinery. She has $2,800 on deposit. Has heretofore had $825.

White Hip, for $100, to purchase barbed wire. He has $3,120 on deposit and has heretofore had $2,322.

Very respectfully, F. E. LEUPP, *Commissioner.*

Mr. REYNOLDS. There is scarcely an account on deposit that the Indians have not free access to for anything that they wish.

That is all the information I have at hand regarding the Lincoln land sales, the John Frost matter, and the thrashing machine matter, that I brought documents for. I do not know exactly what I have in these papers.

Senator CURTIS. Do you wish to make a further statement, or would you rather have questions propounded to you?

Mr. REYNOLDS. I do not wish to make any further statement at this time. The records I have I have not had a chance to look over.

The committee here took a recess until 1 o'clock p. m.

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

Samuel G. Reynolds recalled for further examination.

The CHAIRMAN. Mr. Reynolds, you may proceed with your statement. Do you know anything about the Bair and Murphy permit?

Mr. REYNOLDS. I do not. The letter that it is alleged I wrote to the Department I never wrote. I knew nothing of the transaction only by hearsay. It was probably four or five days after the telegraph report that was sent to the papers that I saw it, and then I was officially notified by the Department. I never made any protest against Mr. Murphy.

The CHAIRMAN. It seems that Mr. Bair got the permit?

Mr. REYNOLDS. Yes, sir; I had nothing whatever to do with the transaction. It was done at the Indian Office.

The CHAIRMAN. What have you to say with regard to the Miliken case that was referred to in the evidence here? I think he was the man who was subject to epilepsy.

Senator CURTIS. Claud Miliken.

Mr. REYNOLDS. I never heard that he was subject to epilepsy, but I have asked several of the Indians and learned from them that he is, but I never knew it.

The CHAIRMAN. Did you approve the sale of his land?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Was there any notice of the proposed sale posted at the agency?

Mr. REYNOLDS. No, sir; none whatever.

Senator CURTIS. Has he filed an application for removal of restriction?

Mr. REYNOLDS. He and his mother and his brother came to the agency and asked me if they could make any application for a patent in fee simple, and I took their application and have not reported upon it. I do not know whether the thirty days' limit has expired or not. It is posted in the office according to regulation. The Milikens

have been requesting me ever since I have been agent to allow them to sell their allotments and go to Canada to join the Crees. They belong to the Cree tribe; they are half Crees.

The CHAIRMAN. What rent does Milliken get for his land now?

Mr. REYNOLDS. It has never been leased to my knowledge.

The CHAIRMAN. It is not leased through your office?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. And if he does it he does it on his own account?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Do you permit that?

Mr. REYNOLDS. With that outfit I certainly should. They have lived up there 150 miles away among the white people. They have an irrigating farm, and there is no reason why they can not go ahead and work. They are intelligent, and there is no reason why they can not make the nicest kind of a living on that land.

The CHAIRMAN. I think Mrs. Grey said she saw a notice posted at the agency that these people had made application for leave to sell. Was that it?

Mrs. GREY. No, Senator Clapp. Claud said it was not there. I was in Helena at this time.

Mr. REYNOLDS. I have made no recommendation to the Department regarding it.

The CHAIRMAN. What have you to say in regard to Leiter being on the pay rolls and being interested in business there on the reservation?

Mr. REYNOLDS. Carl Leiter has been carried on the pay roll as herder ever since I have been agent. He is carried on the pay rolls now. His duties are to assist the agent in branding their calves and helping in the shipment of the beeves and in any way help them with their stock or perform any services that are required of him.

The CHAIRMAN. Do you know whether he is interested in any business of his own on the reservation?

Mr. REYNOLDS. No; he has cattle of his own. He is an Indian.

The CHAIRMAN. And has such cattle on the reservation?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Are there any permits or leases that you know of?

Mr. REYNOLDS. No, sir; there are no permits or leases; he has a small band of cattle, his family and his relatives.

The CHAIRMAN. You heard the testimony in relation to the arrest and prosecution of Tim Doyle and Jim Carpenter.

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. What do you say to that?

Mr. REYNOLDS. It was a justifiable case.

The CHAIRMAN. What were the facts?

Mr. REYNOLDS. Tim Doyle took a case of whisky to his home. There were Indians working near there, and he went to the place where the Indians were building a house and gave them whisky, and he poured it out in a glass and induced them to drink. He got drunk himself. Jim Carpenter was there when he got home with the whisky, and Jim Carpenter got a portion of the whisky and he brought it to Lodge Grass and passed the whisky around. Tim Doyle was drunk at Lodge Grass, and was arrested there and brought to the agency. He was talking to the Indians and disturbing the peace, and I put him in the guardhouse and put James Carpenter in the

guardhouse. I swore out a complaint against both of them, and at the hearing before the grand jury the grand jurors considered that Carpenter had been punished sufficiently. Tim Doyle they bound over, and he immediately pleaded guilty and did not stand trial, and was sent to jail for six months.

The CHAIRMAN. What do you say in regard to the claim of Pease being constantly drunk on the reservation?

Mr. REYNOLDS. He is not constantly drunk on the reservation. I have never seen him intoxicated on the reservation. He has been drunk, and when he gets away he is like a whole lot of other Indians, he falls by the wayside.

The CHAIRMAN. Do you swear positively that you have never seen him intoxicated on the reservation?

Mr. REYNOLDS. I have never seen him intoxicated on the reservation.

The CHAIRMAN. Do you want to make any further statement in regard to the transfer of your interest in the cattle business to Heinrich than is recited in Dalby's report?

Mr. REYNOLDS. No, sir.

The CHAIRMAN. Is there any further statement that you wish to make in regard to the matter?

Mr. REYNOLDS. I do not think of any, Senator Clapp, at this time.

Senator CURTIS. I want to ask you about those thrashers that you bought. Have you more than two on the reservation?

Mr. REYNOLDS. Yes, sir; we have three.

Senator CURTIS. Who bought the other one?

Mr. REYNOLDS. The Pryor Creek Indians, headed by Chief Plenty Coos.

Senator CURTIS. When was that bought?

Mr. REYNOLDS. In 1903, I think.

Senator CURTIS. You had nothing to do with that?

Mr. REYNOLDS. Not at all. They paid for it from their own money.

Senator CURTIS. Tell the committee how the Indians sell their wheat.

Mr. REYNOLDS. I have never put any restriction on them. I have tried to get them to turn their wheat in on the Cheyenne contract.

Senator CURTIS. Do you know anything about their selling any to the agency farmer?

Mr. REYNOLDS. They never did it.

The CHAIRMAN. Did you look over their accounts?

Mr. REYNOLDS. I kept in touch with them.

Senator CURTIS. Did they own a mill on the reservation?

Mr. REYNOLDS. Yes, sir; there are two gristmills.

Senator CURTIS. Owned by the Indians?

Mr. REYNOLDS. Yes, sir; they are Indian mills.

Senator CURTIS. Do they manufacture flour there for sale or for their own use?

Mr. REYNOLDS. Both their own use and for sale.

Senator CURTIS. What is the manner of carrying it on? Do the mills their wheat there and use and they take so much back—is it sold there as flour?

Mr. REYNOLDS. He does just as he chooses; he can take the flour and the bran back, or he can take it to his trading stores, or it can be turned in on the Cheyenne contract.

The CHAIRMAN. Do you know Mrs. Davis there on the reservation, who had some trouble about some of her property being taken away?

Mr. REYNOLDS. I do not know anything about that.

The CHAIRMAN. Is there a Mrs. Davis, a member of the tribe, living on the reservation?

Mr. REYNOLDS. No; there is no Mrs. Davis living near Billings that is a member of the tribe.

Mrs. GREY. It is Joe Cooper's sister. She lives up on the upper end of the reservation, and is married to a white man.

Mr. REYNOLDS. Martha Chatham?

Mrs. GREY. No; it is on the upper end, near Billings.

Mr. REYNOLDS. Mrs. Sam Davis?

Mrs. GREY. No; she is not Joe's sister.

Senator CURTIS. You say you do not know anything about that?

Mr. REYNOLDS. No, sir.

Senator CURTIS. You do not permit the property of the Indians, or their lands or personal property or moneys to be taken for debt do you?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Do you know of any case where that has been done?

Mr. REYNOLDS. Yes, sir; I have one in mind now, Joe Cooper's brother.

Senator CURTIS. Where they have taken——

Mr. REYNOLDS. Taken his horses, wagon, and harness.

Senator CURTIS. What action have you brought to recover it?

Mr. REYNOLDS. I took the matter up with the United States Attorney.

Senator CURTIS. Has suit been brought to recover them?

Mr. REYNOLDS. I have a memorandum to push that matter through the Department of Justice. My minute book has a memorandum to look that matter up.

Senator CURTIS. That is a matter that you are looking into, to recover this property for that Indian?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. There was some testimony here about a Tilly Suis having been put in jail. Tell the committee about that case.

Mr. REYNOLDS. I do not just recall the circumstances, but it was a case of adultery.

Senator CURTIS. How many Indian judges have you on the reservation?

Mr. REYNOLDS. Three.

Senator CURTIS. Do they still exercise jurisdiction over offenses committed by Indians?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And you say she was charged with having committed adultery?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Was it because she wanted to secure a divorce?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Did you refuse to permit her to marry Ben Hillside?

Mr. REYNOLDS. Yes, sir; because she was legally married to an Indian by the name of George Suis.

Senator CURTIS. She wanted to bring a suit for divorce against him?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Was she permitted to do that?

Mr. REYNOLDS. As far as I know she was.

Senator CURTIS. Did you have anything to do with that? The tribal court would not have any authority to divorce them?

Mr. REYNOLDS. No, sir; not now or at that time.

Senator CURTIS. There was something said about a number of relatives of yours working for the Governemnt. Are any of them on the pay roll?

Mr. REYNOLDS. I had a brother-in-law on the pay rolls as farmer.

Senator CURTIS. Is he there now?

Mr. REYNOLDS. No, sir.

Senator CURTIS. How long was he on the pay roll?

Mr. REYNOLDS. About five years.

Senator CURTIS. When did he quit?

Mr. REYNOLDS. He quit in July.

Senator CURTIS. This last July?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. What was his name?

Mr. REYNOLDS. Clarence Brown.

Senator CURTIS. Did you have any other brother-in-law or relative on the pay rolls?

Mr. REYNOLDS. No, sir.

Sentor CURTIS. You say there are none there now?

Mr. REYNOLDS. No, sir.

Senator CURTIS. And Mr. Brown is not now in the employ of the Government?

Mr. REYNOLDS. No, sir.

Senator CURTIS. What is he doing?

Mr. REYNOLDS. He is in a bank at Columbus as clerk.

Senator CURTIS. How far is that from the reservation?

Mr. REYNOLDS. It is about 100 miles.

Senator CURTIS. Before he became farmer was he connected with any of the stores there?

Mr. REYNOLDS. He was not; the documentary evidence is here regarding that also. I will state that he worked in the trading store, and during the short period that he worked in the trading store he was away on his leave of absence, granted by due authority from the Department.

Senator CURTIS. My recollection is that some of the testimony showed that he was filling the position of farmer and boarded at the Crow Agency Hotel. What about that?

Mr. REYNOLDS. He did a part of the time.

Senator CURTIS. How far was that from where he had to go to perform his duties?

Mr. REYNOLDS. It is in his district. Every farmer that they have ever had there has boarded at the Agency Hotel and lived at the hotel.

Senator CURTIS. He is a married man?

Mr. REYNOLDS. No, sir; and I wish to say that he was a student from the agricultural college in Michigan.

Senator CURTIS. Is he a farmer?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Did he have a personal knowledge of farms?

Mr. REYNOLDS. Yes, sir. May I refer to my memorandum?

Senator CURTIS. I would like to have you tell us how many of those Indians farmed their own land?

Mr. REYNOLDS. I try to have every one who is physically able to.

Senator CURTIS. How many tenants have you on the reservation.

Mr. REYNOLDS. We have practically none; not to exceed six or eight.

Senator CURTIS. How many farms have you on the reservation?

Mr. REYNOLDS. I would say 300.

Senator CURTIS. Then there are over 100 adult Indians not farming their land. You must have about 500 adult Indians.

Mr. REYNOLDS. There are quite a number of adult Indians who are giving their attention to stock raising and have taken their farms in remote sections.

Senator CURTIS. There was some testimony about their being in a destitute condition. What do you know about that?

Mr. REYNOLDS. They are in better condition to-day, Senator Curtis, than they ever were in their history.

Senator CURTIS. Have they been compelled by poverty, any of them, to eat those cattle or sheep that die on the reservation?

Mr. REYNOLDS. No, sir; they ate those when they were drawing a full ration from the Government, and they eat them yet and always will eat them.

Senator CURTIS. The cattle and sheep that they find on the reservation?

Mr. REYNOLDS. If they are not too far gone.

Senator CURTIS. And no matter of what they die?

Mr. REYNOLDS. No; that does not make any difference.

Senator CURTIS. Do you not think it is a bad idea to continue that practice?

Mr. REYNOLDS. I have done all I could to make them stop it.

Senator CURTIS. How about the testimony that they were issued or permitted to eat lumpy-jawed beef or beef from a lumpy-jawed cow or steer?

Mr. REYNOLDS. They never did it with my consent.

Senator CURTIS. Do they do it?

Mr. REYNOLDS. Yes, sir; they do it at every chance they get.

Senator CURTIS. Then they are not as far advanced in civilization as we have been led to believe? They do not have to do that, if they have plenty of cattle of their own?

Mr. REYNOLDS. Yes; they do.

Senator CURTIS. And plenty of sheep?

Mr. REYNOLDS. Those cases are rare.

Senator CURTIS. Now tell us how many of the Indians you have on that reservation who are like the old-time blanket Indians, whether they wear blankets or citizens' clothing—about how many of those have you on the reservation?

Mr. REYNOLDS. I presume there are 50 or 60 that continue to wear the blanket.

Senator CURTIS. You mean adults?

Mr. REYNOLDS. Yes, sir; old men.

Senator CURTIS. How many women have you of that same kind who are like the old-time squaw?

Mr. REYNOLDS. It is pretty different with the women. They dress the same as they have ever since I have known them.

Senator CURTIS. Forty or fifty years ago, but there has been a change in their mode of living.

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Have you any blanket Indian on the reservation at all?

Mr. REYNOLDS. There are very few.

Senator CURTIS. Who is this man Tim Burbank?

Mr. REYNOLDS. He is a farmer at Lodge Grass.

Senator CURTIS. Is he any kind of a farmer?

Mr. REYNOLDS. He was brought up on a farm in Nebraska.

Senator CURTIS. How long has he been on the reservation?

Mr. REYNOLDS. He was on the reservation when I went there; I do not know how long previous to that—one year, I imagine, previous to my going there.

Senator CURTIS. Have you paid any attention to his farming?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. How does he manage the farm that he has charge of?

Mr. REYNOLDS. He gets good results.

Senator CURTIS. How many farms have you, or what kind of farms have you, attached to the school property?

Mr. REYNOLDS. We have splendid farms.

Senator CURTIS. Do you raise all the grain that you need for school purposes?

Mr. REYNOLDS. We do not raise all the oats for feeding purposes, but they have a surplus of hay.

Senator CURTIS. How about wheat?

Mr. REYNOLDS. They do not raise wheat, but they have small garden stuff.

Senator CURTIS. How large a farm have you?

Mr. REYNOLDS. There are about 25 or 30 acres under cultivation.

Senator CURTIS. Have you a regular farmer in charge of that?

Mr. REYNOLDS. Yes, sir; an Indian.

Senator CURTIS. You could raise wheat, could you not?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. You have more than 25 acres in the agency farm, have you not?

Mr. REYNOLDS. Yes, sir; it is put into grass and alfalfa. Alfalfa is the money-making crop of that section of the country.

Senator CURTIS. Then you raise enough alfalfa, I suppose, to dispose of it and buy what you need for the school?

Mr. REYNOLDS. No, sir; we have sold no products of that kind for the school.

Senator CURTIS. How many acres have you of alfalfa?

Mr. REYNOLDS. I imagine there are about 20.

Senator CURTIS. Now, the chairman referred to some of your policemen being drunk. Have you a policeman known as Sharp Nose?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Has he been drunk on the reservation?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Have you ever seen him under the influence of liquor?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Has it ever been complained to you that he was drunk?

Mr. REYNOLDS. Not drunk; it was complained to me that he took a drink.

Senator CURTIS. Has it ever been brought to your attention that he was drunk and had some trouble?

Mr. REYNOLDS. No, sir.

Senator CURTIS. He has had a good deal of trouble about the Crow fair. Now, tell us something about that and who originated it. Did you originate it?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. How many years ago?

Mr. REYNOLDS. I talked the fair from the time I went with them.

Senator CURTIS. How many years have they been holding a fair?

Mr. REYNOLDS. They have held three annual fairs.

Senator CURTIS. Where did they first hold them?

Mr. REYNOLDS. They have had four fairs; the first fair they held in the Reno district, at Medicine Tail's place.

Senator CURTIS. Did they have them at Fort Custer?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Where did they get the timber and stuff to build fencing, barns, and sheds?

Mr. REYNOLDS. From old Fort Custer at the first fair grounds.

Senator CURTIS. Now, what became of that timber; it has all been burnt, has it not?

Mr. REYNOLDS. It has been issued to the Indians.

Senator CURTIS. What do they do with it?

Mr. REYNOLDS. They have built houses and barns and corrals.

Senator CURTIS. Did any of them sell it?

Mr. REYNOLDS. I never knew of it.

Senator CURTIS. Would you have permitted them to have done so had you known it?

Mr. REYNOLDS. No, sir.

Senator CURTIS. You say it was principally used in building the barns and fences and sheds?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Who looks after the building of those barns and fences and sheds of the Indians; do you give personal attention to the matter, or have you farmers?

Mr. REYNOLDS. There are farmers, but the Indian carpenter builds them. We try to put it on the Indians as much as possible.

Senator CURTIS. You have them do as much work as you can?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Are both husband and wife of the Cooper family on the rolls as Indians, or just one?

Mr. REYNOLDS. Both.

Senator CURTIS. Joe Cooper and his wife are both Indians?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Is he living on his place now?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Why?

Mr. REYNOLDS. He has no buildings.

Senator CURTIS. Well, he is able to get money to build buildings with, is he not?

Mr. REYNOLDS. He certainly is.

Senator CURTIS. Was he driven away because of the sheep?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Are sheep herded in his neighborhood?

Mr. REYNOLDS. They have been in the winter when they have been going in to buy hay of the Indians.

Senator CURTIS. Now, tell us whether or not the sheep at any time of the year do interfere with those Indians in farming their places.

Mr. REYNOLDS. I have never known of an instance.

Senator CURTIS. Has there been any complaint to you of that kind?

Mr. REYNOLDS. No, sir.

Senator CURTIS. How many sheep has Mr. Bair on the reservation?

Mr. REYNOLDS. Mr. Bair has a permit to run 35,000 sheep on Pryor Creek.

Senator CURTIS. How many does he really run, if you know? How many does he really keep on the reservation?

Mr. REYNOLDS. He has never in the history of the reservation had 75,000 sheep.

Senator CURTIS. When he has that extra number does he pay for them?

Mr. REYNOLDS. No, sir; he has not.

Senator CURTIS. Why has he not?

Mr. REYNOLDS. Because I have a permit from the Government, and at the request of the Indians he has brought his sheep in there in the winter and purchased their hay to feed them.

Senator CURTIS. When he has an extra number do you mean to tell the committee that it has been in the winter time?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And not during the farming or grass season?

Mr. REYNOLDS. No, sir.

Senator CURTIS. What is there in the statement that he was permitted to have a lease at a few thousand dollars less than the other bidders, where there was a higher and better bidder for the land than he?

Mr. REYNOLDS. That was at the request of the Indians. I had nothing whatever to do with it.

Senator CURTIS. What do you mean by at the request of the Indians? You had recommended it, had you not?

Mr. REYNOLDS. I had not.

Senator CURTIS. Did not the Department ask you for your recommendation?

Mr. REYNOLDS. In connection with letting him have the lease against Murphy? I knew nothing of it until it was made.

Senator CURTIS. Was that made before you were agent?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Who did it then?

Mr. REYNOLDS. It was done in the Department.

Senator CURTIS. Over your head?

Mr. REYNOLDS. I was not consulted in it.

Senator CURTIS. Why were you not consulted?

Mr. REYNOLDS. I do not know.

Senator CURTIS. Did it go off at your request?

Mr. REYNOLDS. Plenty Coos and Big Shoulder Blade were here and talked to Secretary Hitchcock, and Secretary Hitchcock took their statement in the matter.

Senator CURTIS. Did they come at your request?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Did you recommend that the lease be given to Murphy?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Did you recommend that it be given to Bair?

Mr. REYNOLDS. I had made a recommendation to the Department in a letter that is in the files here.

Senator CURTIS. We can either put the letter in the record or you can give your reasons. I do not want to go into details, but I would like to know why a man who bid two or three or four or five thousand dollars more than another one was not given the lease, if you know.

Mr. REYNOLDS. I had nothing to do with the transaction.

Senator CURTIS. But did you recommend it? That is the point. They would not do it unless you had recommended it, would they?

Mr. REYNOLDS. No, sir; I did not recommend it.

Senator CURTIS. What did you say about it?

Mr. REYNOLDS. I knew nothing about that matter.

Senator CURTIS. Do you claim that as Indian agent a lease would be made of the land under your care without your knowing anything about it?

Mr. REYNOLDS. I have all of the documents here of the entire transaction.

Senator CURTIS. If you have not got them handy, you can look them up later.

Mr. REYNOLDS. The reasons given by the Indians were perfectly justifiable from my standpoint, and I agreed with them entirely.

Senator CURTIS. What were they, do you know?

Mr. REYNOLDS. That they wanted sheep, but did not want cattle.

Senator CURTIS. And Murphy wanted it for cattle and not for sheep?

Mr. REYNOLDS. Yes, sir; not for sheep.

Senator CURTIS. And they would rather have the sheep at a lower price than the cattle at a higher price?

Mr. REYNOLDS. Yes, sir; because they had a market for their hay.

Senator CURTIS. And that is why they wanted it?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Did you write to the Department that that would be satisfactory to you, or that you thought the land ought to be rented for sheep instead of cattle, or do you remember?

Mr. REYNOLDS. I never answered the communications that they sent me notifying me of the leases being made.

The CHAIRMAN. I understood you to say that you wrote them a letter which was on file.

Mr. REYNOLDS. I did previously, and recommended that that district No. 4 be again given to Mr. Bair, and stated the reason.

Senator CURTIS. Why?

Mr. REYNOLDS. That the Indians had asked me to do it, and I stated the boundaries that I thought should be reserved for the Indians. I recommended that 2 miles each side of Prior Creek, through their farming districts, be reserved and that the sheep be not allowed to go in there.

Senator CURTIS. Because it was under irrigation?

Mr. REYNOLDS. Because it was under irrigation on account of farming, and we could not have made that with cattle running loose on the ranch.

Senator CURTIS. Is it easier—I do not know anything about sheep and cattle—but is it easier to keep sheep off of a farm than it is cattle?

Mr. REYNOLDS. Yes, sir; they are under the care of a herder all the time, and he has dogs.

Senator CURTIS. Do they not have herders with their cattle just the same?

Mr. REYNOLDS. Cattle drift everywhere.

Senator CURTIS. Did you cause the arrest of Holds His Enemy?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Why, and what was he charged with?

Mr. REYNOLDS. Holds His Enemy and a number of Indians had started to leave the reservation, and a disturbance had been caused there that had caused the Indians to leave their farming work, and when I heard that they had started—that is, the delegation had started to come to Washington—I sent an officer to return them.

Senator CURTIS. They were coming without permit?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Was that the delegation that was to meet Mrs. Grey?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Did you do that because they were coming without a permit from the office or from you?

Mr. REYNOLDS. I did it to try and restore discipline on the reservation.

Senator CURTIS. It was done without consultation with you?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And you felt you ought to be consulted about those matters?

Mr. REYNOLDS. I did. The Indians were sowing their seed wheat, and they had left their plowing, and last year they only sowed half of the seed wheat that we had for them to sow.

Senator CURTIS. Was this man Holds His Enemy in jail any length of time or in the guardhouse?

Mr. REYNOLDS. One day, I think.

Senator CURTIS. One day only?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Why were not Big Medicine and the others who were interested in this case referred to by Mrs, Grey prosecuted?

Mr. REYNOLDS. Big Medicine I do not believe knows anything about it. I have talked to the parties, and I have never been able yet in these cases of abortion to get at the facts.

Senator CURTIS. Did you object to Doctor Clark being called to take care of her?

Mr. REYNOLDS. I did not.

Senator CURTIS. Did he take care of her?

Mr. REYNOLDS. He came down there and saw her and she returned to Billings and he treated her for a day or two, and she then left Doctor Clark and went to Doctor Watkins. I saw her in Doctor Watkins's office and I asked Doctor Watkins the trouble.

Senator CURTIS. Why were Lucy Old Horn and Straying Calf confined in the Billings County jail instead of your agency jail?

Mr. REYNOLDS. They were arrested in Billings.

Senator CURTIS. They were not arraigned before your tribal courts?

Mr. REYNOLDS. No, sir.

Senator CURTIS. They were arrested by the State authorities?

Mr. REYNOLDS. Yes, sir; at my request.

Senator CURTIS. What was the crime which they were charged with?

Mr. REYNOLDS. Continual cohabitation.

Senator CURTIS. In violation of the law.

Mr. REYNOLDS. In violation of the State law.

Senator CURTIS. Is Lucy Old Horn a full-blood Indian?

Mr. REYNOLDS. She is a half-breed and an intelligent woman.

Senator CURTIS. Does she understand English?

Mr. REYNOLDS. Yes, sir; perfectly.

Senator CURTIS. Does she read and write?

Mr. REYNOLDS. Yes, sir; she does.

Senator CURTIS. What school did she attend, if you know?

Mr. REYNOLDS. I think the agency school, but I do not know, and I do not know but what she attended a white school. She lived in a white settlement for a time.

Senator CURTIS. Is she a reasonably intelligent woman?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. About how old is she?

Mr. REYNOLDS. Thirty-nine or 40.

Senator CURTIS. And she lived with Straying Calf without having been married to him? Did they openly and notoriously live together?

Mr. REYNOLDS. Yes, sir; I had previously punished them for the same offense by putting them in the guardhouse.

Senator CURTIS. Did you compel the children to attend the reservation school?

Mr. REYNOLDS. I compelled them to attend school, and they can go to whatever school they wish.

Senator CURTIS. But did you make them go to some school?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Was George Pease's son taken out of school?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Why?

Mr. REYNOLDS. George Pease lost one of his boys from spinal meningitis, and we allowed his other boy to go.

Senator CURTIS. He took him out for that reason?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Was he returned to school?

Mr. REYNOLDS. He is in the day school at Lodge Grass.

Senator CURTIS. Why did Mrs. Mattingly resign her position as matron there? Did she have any trouble?

Mr. REYNOLDS. She told me her troubles two or three times.

Senator CURTIS. Was it with you?

Mr. REYNOLDS. No, sir; no trouble with me; no trouble at all. She and I looked into the matter. She is nervous and fidgety and has never had a month's experience with the Indians in her life. She was perhaps 60 years old. She was there as matron of the boys' building, and she would ring the bell for the boys to come in, after she had been there two or three days, and they paid no attention to it, and she went out and rang the bell again, and they never paid any attention to it. Mrs. Palmer, who was in charge—our superintendent had been away; he was transferred to another school, and Mrs. Palmer was in charge—and she said to Mrs. Mattingly, as the story comes to me, "If you would line those boys up and give them a good thrashing, they would come in when you rang the bell." She said to Mrs. Palmer that she wanted her to understand that she could rule those boys by love, and she resigned of her own free will.

Senator CURTIS. Did her successor remain in the employment of the Government, and is she there now—the woman who succeeded Mrs. Mattingly as matron—or did she resign, and has she resigned?

Mr. REYNOLDS. I do not know anything about it, Senator Curtis. I have been away from there. I was in Helena all this time, and I am not really in touch with recent events; but let me state in connection with Mrs. Mattingly that she wrote to the Department after she left the agency, stating that I had not paid her, and she wanted to know why she could not get her money. In looking up the records I found that the bank reported that Mrs. Mattingly had been paid, and paid for every day she worked, and why she wrote that letter I do not know.

Senator CURTIS. There was something in the testimony of Mrs. Grey with reference to no effort having been made on your part to collect damages from the Burlington Railroad for killing the stock of the Indians?

Mr. REYNOLDS. No damages have been collected for three or four years.

Senator CURTIS. Why?

Mr. REYNOLDS. I have not been able to get a settlement with them.

Senator CURTIS. Have you brought suits?

Mr. REYNOLDS. I am going to. I have repeatedly seen them, and I want to get full settlement at 100 per cent if I can. Of course there are a lot of claims that are questionable, but I have made a settlement with the Burlington Railroad, since I have been there as agent, of accounts that have stood for a number of years.

Senator CURTIS. Have you made any effort to secure damages on account of stock that was killed of Sits Down Spotted?

Mr. REYNOLDS. I do not know the case personally.

Senator CURTIS. Then you are doing what you can to collect damages?

Mr. REYNOLDS. I certainly am.

Senator CURTIS. Does Mr. Mortimer work at the agency?

Mr. REYNOLDS. I do not know him. Is he an Indian?

Senator CURTIS. I do not know.

Mr. REYNOLDS. I do not know him.

Senator CURTIS. I want to know whether he was on as a regular or an irregular employee?

Mr. REYNOLDS. I never heard of him.

Senator CURTIS. You never heard of Mr. Mortimer?

Mr. REYNOLDS. I never heard of Mr. Mortimer.

Mrs. GREY. Not Mr. Mortimer but Mortimer.

Mr. REYNOLDS. We have an Indian there named Mortimer Dream.

Senator CURTIS. Does he work in the agency?

Mr. REYNOLDS. He has worked regularly and irregularly, both.

Senator CURTIS. Is he now working?

Mr. REYNOLDS. I do not know. The employees are changing all the time.

Senator CURTIS. There was something said about an effort being made to depose Plenty Coos as chief. Do you know anything about that?

Mr. REYNOLDS. It was rumored.

Senator CURTIS. But no effort was made?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Was there any Indian talked of who was slated for his place?

Mr. REYNOLDS. They talked of Bell Rock.

Senator CURTIS. Did you have anything to do with that?

Mr. REYNOLDS. I did not; nothing in the world.

Senator CURTIS. Now tell the committee what there was about that smallpox quarantine that was issued.

Mr. REYNOLDS. We had smallpox break out on the reservation and we wired for vaccine points and at the annuity payment we vaccinated a great many of the Indians. I was vaccinated myself, and had my family vaccinated. All the employees who had not been vaccinated were vaccinated and we quarantined the camps. It broke out in four or five different places. I wrote the mayor of Billings and wrote the mayor of Sheridan that smallpox had broken out on the reservation and for them to take such steps as they deemed necessary to protect their cities from the Indians coming.

Senator CURTIS. Is it true that you let some of the Indians off to go up to Billings to testify, and on account of the ravage of smallpox ordered them to keep the Indians there?

Mr. REYNOLDS. It is absolutely false.

Senator CURTIS. Are all the districts on the reservation represented by delegates here at this time?

Mr. REYNOLDS. Yes, sir; I think they are.

Senator CURTIS. You think they are?

Mr. REYNOLDS. Yes, sir; I know there are a number who represent each district.

Senator CURTIS. There was some Indian here that Mrs. Grey testified was prevented from coming. Do you know why he did not come—I can not recall his name.

Mrs. GREY. Horace Long Bear.

Mr. REYNOLDS. Horace Long Bear was chosen a delegate. The Lodge Grass Indians called on Major McLaughlin the following morning and said that they had the second district in importance on the reservation and that they had no representative, and they asked that the office be asked to allow George Pease to come in the place of Horace Long Bear.

Senator CURTIS. I wanted to ask Major Reynolds, and perhaps you can tell, what method was used to invite the Indians to come into that meeting. I was not here when he testified.

Mr. REYNOLDS. We sent word to each of the different districts.

Senator CURTIS. Did you tell them what was wanted with them?

Mr. REYNOLDS. Yes, sir; and I told the Indians at Lodge Grass when I was there several weeks previous that the bill had been introduced in Congress. I saw nearly all the Indians.

Senator CURTIS. How many of the 75 were in favor of that bill?

Mr. REYNOLDS. There were 93.

Senator CURTIS. How many of them were in favor of this bill, if any, to open up their reservation?

Mr. REYNOLDS. They all acquiesced in what was said by the chief and head speakers.

Senator CURTIS. That is, they were opposed to it?

Mr. REYNOLDS. They did not want the reservation opened; but this is the point, and the point they have made all through, if the committee does that and thinks it is best, and they are satisfied that you are going to open it, then they want to make the amendments or changes.

Senator CURTIS. Is it not fair that they should be permitted to do that?

Mr. REYNOLDS. It certainly is.

Senator CURTIS. What did you think when you made that proposition to use their money to build that dam and sell the land to some body else?

Mr. REYNOLDS. I did not think it was a good proposition.

Senator CURTIS. It would be wrong, would it not, to use the Indians' money?

Mr. REYNOLDS. It certainly would.

Senator CURTIS. If that land is sold—and I do not ask you for an opinion now, because as agent perhaps you would not have a right to give an opinion as to whether or not it ought to be opened—but if that land is sold for them, would it not be best to sell it at not less than the proposed value and have it advertised and sold by the Government for their benefit?

Mr. REYNOLDS. I think it would.

Senator CURTIS. If it is—and I am not asking you for an opinion, because I doubt if you have the right to give it——

Mr. REYNOLDS. It should be sold to the highest bidder.

Senator CURTIS. In your judgment, what would that land bring if sold to the highest bidder—what would it average an acre?

Mr. REYNOLDS. $1.50 to $1.75. That would depend upon the condition of the times at the time of sale entirely. I have seen land sold for 75 cents in Montana that you would now have to pay $2 or $3 an acre for.

Senator CURTIS. It is growing more valuable every year, is it?

Mr. REYNOLDS. I say it depends upon the condition.

Senator CURTIS. If you raised a good crop this year, land would be more valuable than it would be if you did not raise a good crop?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. There would be more people looking after land.

Mr. REYNOLDS. Yes, sir; that is true.

Senator CURTIS. Did you organize what is known as the Elk lodge there?

Mr. REYNOLDS. I helped the Indians organize it.

Senator CURTIS. What was the object of that organization or that lodge?

Mr. REYNOLDS. When I went to that reservation the Indians talked to me about organizing a lodge. They saw my Knights Templar suit and knew that I belonged to the Elks and they wanted to organize a lodge themselves; they wanted to have a lodge and we talked the matter over quite a good deal, and in the fall of 1906 the Elks held a State convention at Billings and invited our Indians up. They invited Curley, Big Medicine, Sees with His Ears, who is here, and Two Leggings. I was not there. I was taking my vacation in the East, and they went up and joined in the parade. They came home covered with badges and Elks buttons, and when I got home they wanted to start in to organize an Elks lodge and I wrote a little ritual—it was as simple as I could make it—and two or three little lectures on the obligation, and they pledged themselves to help each other in sickness and distress and pledged themselves to obey the laws of their country. They elected officers and have held their meetings at different times, and have their initiation. The initiation that they had was just a little horse play and they thoroughly enjoyed it.

Senator CURTIS. What I want to know is did you have that lodge organized to offset the influence of what was known as the Indian lodge?

Mr. REYNOLDS. I did not.

Senator CURTIS. How did you purchase your supplies for the agency?

Senator CURTIS. I purchased them from the Indians.

Senator CURTIS. I mean generally speaking.

Mr. REYNOLDS. Oh, it came through the Indian warehouse.

Senator CURTIS. Those that you bought yourself, did you advertise you wanted to buy grain or corn or hay?

Mr. REYNOLDS. Hay and oats we did not advertise for.

Senator CURTIS. What did you do for them?

Mr. REYNOLDS. I purchased from the Indians.

Senator CURTIS. In case you can not buy any from the Indians, or in case of a product that you do not buy from the Indians, do you advertise for it and buy it there in the open market?

Mr. REYNOLDS. The last two years the Indians have raised a surplus of everything, and we have been——

Senator CURTIS. You have been able to supply your demand?

Mr. REYNOLDS. Yes, sir. This Lewis Harrison, who has been alluded to as being driven off the reservation, I think last fall, this fall we bought a carload of oats from him.

Senator CURTIS. Tell me how the grain of the Indians is sold in case they want to sell it.

Mr. REYNOLDS. They are at perfect liberty to take their grain wherever they wish.

Senator CURTIS. I think you stated that in the former part of your examination, when I come to think of it. Mrs. Grey, in her testimony, said that the Indians were not permitted to sell their horses except to certain buyers; that they were influenced by the farmers. Tell us how they sell their horses.

Mr. REYNOLDS. There is no restriction on horse buyers. Horse buyers come there from all over the country, even from Virginia, and

if the Indians are not putting in their crops, or harvesting their grain, I give the horse buyers perfect freedom to go among the Indians and buy their horses. If the Indians are busy in the fields working at their crops, I prohibit all horse buyers from buying, because when they buy horses it means that they go in a bunch on the round-up and leave their work.

Senator CURTIS. And all the bidders are there?

Mr. REYNOLDS. Yes, if they want to be there.

Senator CURTIS. Do your farmers, or any of your farmers, speculate on the products of the Indians?

Mr. REYNOLDS. No, sir.

Senator CURTIS. In buying horses or cattle or wheat or oats or hay?

Mr. REYNOLDS. No, sir; I do not know of an instance.

Senator CURTIS. Has your attention been called to any, and have you investigated to find out if they do or do not?

Mr. REYNOLDS. I have never had the matter brought to my attention.

Senator CURTIS. Mrs. Grey, as I recall her testimony, said something about the Indians selling the products of other Indians, having it sent in their names—one Indian was called by name here—who did not produce very much, and yet the books——

Mrs. GREY. That is Big Medicine.

Senator CURTIS. Big Medicine—and yet the books of your agency will show that he sold a large amount. Do you know anything about that?

Mr. REYNOLDS. There have been times when grain has been put in in an Indian's name to fill up a contract to allow the Indian to get grain wherever he could and wherever he wished. Big Medicine gets grain from a good many Indians who will give him wheat, for instance.

Senator CURTIS. Give him wheat?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. Why?

Mr. REYNOLDS. In exchange for stuff.

Senator CURTIS. Does he run a store?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Is he a farmer?

Mr. REYNOLDS. He has a farm.

Senator CURTIS. You think he trades his provisions for their provisions, do you?

Mr. REYNOLDS. There are cases of that kind, but they are very rare. There may be instances where grain has come in and been put in the Indian's name.

Senator CURTIS. Do you know anything about a cattle herd—a common herd up there?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. How much cattle had you to distribute when that law was passed authorizing the distribution or directing the distribution of those cattle?

Mr. REYNOLDS. We had in the neighborhood of 2,000 head.

Senator CURTIS. How many had been purchased originally, if you know?

Mr. REYNOLDS. I do not know.

Senator CURTIS. That herd was a failure, was it not?

Mr. REYNOLDS. It was a failure as run as a common herd.

Senator CURTIS. Now would not these Indians fail if they went into the horse business—you need not give me an opinion if you do not want to.

Mr. REYNOLDS. I do not want to answer that question.

Senator PAYNTER. I would like to ask a question. Mrs. Grey has said something about 300 head of cattle on the reservation there carrying Major Reynold's brand.

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. Do you want to make some explanation about that, Major?

Mr. REYNOLDS. I sold Frank Heinrich 300 head of cattle and gave him a bill of sale for them, and the increase has been branded in his brand ever since.

Senator CURTIS. And not with your brand?

Mr. REYNOLDS. No, sir.

Senator CURTIS. Have you any cattle on the reservation?

Mr. REYNOLDS. I have four Jersey cows.

Senator CURTIS. How about other employees having cattle or horses?

Mr. REYNOLDS. They have no cattle that I know of. As far as their keeping milch cows and pigs and chickens is concerned, I have always encouraged it.

Senator CURTIS. My question does not refer to that. I mean a large number of cattle or horses or hogs for speculative purposes or profit.

Mr. REYNOLDS. It was reported to me at one time by Plenty Coos that Van Hoos had his cattle on the reservation, and I took the matter up with Van Hoos. There may have been some of Van Hoos's cattle over there; he has a ranch over there.

Senator DIXON. That is off the reservation?

Mr. REYNOLDS. Off the reservation; and he, with other settlers over there, had a little bunch of cattle; you can not keep them off the reservation. He might have been instrumental in keeping the cattle over there, but we took it up with him, and there has not been a complaint since.

Senator CURTIS. The cattle you sell you sell in good faith?

Mr. REYNOLDS. Yes, sir; I never drove any cattle there myself. I never drove any cattle over there myself and sold them a year after I was appointed agent. May I refer to my book?

Senator CURTIS. You heard Mrs. Grey's testimony about Mr. Bair, at the time she was there, taking off a good many thousand sheep and selling the wool from them, etc.

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. What about that?

Mr. REYNOLDS. It was in the spring that he took his sheep off.

Senator CURTIS. How many did he take off?

Mr. REYNOLDS. He probably has there 923 bands. I was not at home at that time.

Senator CURTIS. How many thousand would that be?

Mr. REYNOLDS. That would be anywhere from fifty to sixty thousand sheep.

Senator CURTIS. Those are the sheep you testified, in answer to a question that I put to you, that were put on in extra numbers during the winter months?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And do not apply to the permit that was issued for the grazing season?

Mr. REYNOLDS. No, sir; those sheep were there at almost the unanimous request of the Indians that they come in there and make a market for their hay.

Senator PAYNTER. So that during the time they were there they did not eat the grass?

Mr. REYNOLDS. They were eating grass more or less in a good many other places. Senator Paynter, they run sheep all winter without feeding them any hay. They run cattle in Montana all winter without feeding them hay, but if it is necessary in storms they do, and that was the way with hay. If it was necessary to feed the hay they were fed with hay. It is all covered by communications that I have sent to the Department. He was there this winter with the consent of the Department. The whole thing was explained and was perfectly satisfactory to the Indians.

Senator CURTIS. You have heard the testimony of Mrs. Grey. If she has said anything that we have not asked you about just proceed and say what you wish to say about it, if you have anything to say.

Mr. REYNOLDS. I have not, Senator Curtis, just at this time.

Senator CURTIS. You may state when the grass begins to grow on the reservation.

Mr. REYNOLDS. It depends on the spring. If the spring is early it will not start until April, and if the spring is late, it would not start until the 5th or 6th or 8th of May.

Senator CURTIS. Were those sheep on this reservation after the grass had begun to grow?

Mr. REYNOLDS. They were there, some of them, probably until the middle of June.

Senator CURTIS. More than were permitted in the permit?

Mr. REYNOLDS. They were there in this Big Horn district, where they had been to feed on the hay.

Senator CURTIS. Do you permit them to keep 25,000 or 30,000 more sheep on there after the grass season, as required in the permit?

Mr. REYNOLDS. There were not that many there.

Senator CURTIS. Or 10,000?

Mr. REYNOLDS. There were probably one or two bands there.

Senator PAYNTER. How many did he have, under his permit, the right to put on?

Mr. REYNOLDS. He had the right to put on 35,000 under his permit.

Senator PAYNTER. Mrs. Grey said 23 bands of 3,000 to a band; that would make 69,000.

Mrs. GREY. But the Indians counted them going over the bridge, but they were going from other districts as well. This was from the Big Horn district. They were in the Lodge Grass district, as I think Mr. Reynolds knows.

Mr. REYNOLDS. The matter is fully covered in Mr. Dalby's report regarding the Bair sheep.

Senator CURTIS. Giving their numbers and all?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. And the time?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. You are going to refer to your memorandum. You wanted to say something with regard to that?

Mr. REYNOLDS. Yes, sir; regarding the farming.

Senator PAYNTER. Before you go into that I would like to ask you one more question. Did Bair pay the Government for the benefit of the Indians any additional sum for the use of the grass?

Mr. REYNOLDS. Mr. Bair paid the Indians personally thousands of dollars in money.

Senator PAYNTER. What was that for?

Mr. REYNOLDS. For grazing on their allotments; and gave them a home market for their hay.

Senator PAYNTER. I am talking about the grass now; between the time it began to grow and the middle of June, for instance.

Mr. REYNOLDS. The grass was one of the objects of his being in there with the sheep. If there was nothing of that kind they could not get a sale for their product.

Senator PAYNTER. But they would not buy their hay unless they had grass during the time.

Mr. REYNOLDS. No, they would not; and the Big Horn district is from 10 to 35 miles to the railroad, and the Indians have no market for their hay. I fully covered it in the correspondence and before any leases were made whatever.

Senator PAYNTER. The impression I was under, in view of Mrs. Grey's statement, was different, and I thought it was but just that you should make whatever explanation you could. My question was not asked with a view of trying to show you in a wrong light, but to get an explanation of what she has said.

Mr. REYNOLDS. In the matter of leasing the reservation was this: When it came up I recommended that the lessees of the districts be compelled to buy all the surplus hay and grain, meaning oats, raised by the Indians in the district. When the proposals came out it made rivers the boundary lines of grazing districts, and on the other side of the river, the Little Horn, where the grazing district came on there were bluffs; there was no agricultural land on that side. I took the matter up with the Department and stated that it would be a great mistake to allow those leases to be made in that way, as I considered it more beneficial to the Indian to make a market for his hay than what he had raised from the grazing land, as the putting up of his hay would require his own efforts to earn the money, and I recommended that these proposals be canceled and new ones issued, but the Department did not see it in the way I did.

Senator PAYNTER. Did this cattle run over the entire boundary of the land owned by the Indians or in their actual possession, or just one locality on some river there? What I am trying to get at is, did they eat the hay? Were they fed all over the reservation, or just in one locality?

Mr. REYNOLDS. They eat it in all parts.

Senator PAYNTER. I had it in mind whether it would be treating the Indians fairly on one side of the reservation to render some special benefit to those on the other side.

Mr. REYNOLDS. We try to find a market for the products that they raise. I have always contended that it was better for the Indian to raise the product and get the benefit of his own labors than it was to be paying him money to get rations and things of that kind. I have worked on that principle ever since I have been there.

Senator DIXON. What about this farmer who was your brother-in-law, to whom Mrs. Grey refers in her statement?

Mr. REYNOLDS. I was going to say that he had one of the smallest districts on the reservation, and it is yet. His Indians harvested 9,000 bushels of grain, odd.

Senator CURTIS. Now, state with regard to Carl Leiter.

Mr. REYNOLDS. He has never been in the employ of Heinrich. Leiter's cattle run on an I. D. Range, where four-fifths of all the cattle, I will say, belonging to the Indians run, and he works with Heinrich's outfit whenever there is a round-up. For instance, Dana has a lease over there and will probably ship 15 or 20 head of cattle for the Indians this year. Heinrich shipped 8 or 10 carloads. There are hundreds of cattle up there, but they only ship from their own place.

Senator CURTIS. Did he not work for the Government and while working for the Government work for a cattle company?

Mr. REYNOLDS. Never; he is one of the best and most progressive Indian boys that we have. He is square and honest.

Senator SUTHERLAND. He is a Government herder, is he?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. Did he ever work for Henry?

Mr. REYNOLDS. He never has.

Senator SUTHERLAND. Has he ever worked for any company that had cattle grazing on the reservation?

Mr. REYNOLDS. Not to my knowledge since I have been there.

Senator SUTHERLAND. He has not worked for any cattle company there while he has been in the Government employ or at any other time?

Mr. REYNOLDS. No, sir; and I want to say that he has done as much good for his Indians as any man who has ever worked among them.

Senator DIXON. Mrs. Grey charges that the Indians "have altogether about $40,000 a year lease money. The Indians never get that and they want an accounting as to where the money goes." What have you to say as to that charge?

Mr. REYNOLDS. I will say that last December we paid them $18,000 out of the grazing-fund annuity.

Senator DIXON. Is all this leasing money accounted for in the Department's books and records?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. How often do you make annuity payments?

Mr. REYNOLDS. There is a provision for semiannual payments of $6.

The CHAIRMAN. Annuity?

Mr. REYNOLDS. The bill that was recently passed carries $12 annual annuity.

The CHAIRMAN. Exactly; but that would not include the proceeds of grazing, would it?

Mr. REYNOLDS. I made a special request to make a cash payment to them.

The CHAIRMAN. Independent of the annuity?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. You spoke of it as an annuity?

Senator CURTIS. How often do you make these grass payments?

Mr. REYNOLDS. That is the first that has ever been made to them.

Senator CURTIS. What has become of the other grass money?

Mr. REYNOLDS. In the past it has been used in building houses and erecting ditches.

Senator CURTIS. It has been used for their benefit?

Mr. REYNOLDS. For their benefit, and the Department was opposed to my making a cash payment to them. It is not the policy.

Senator CURTIS. The payment is so small that it does very little good?

Mr. REYNOLDS. That is what they figure.

Senator SUTHERLAND. I want to ask you with reference to Leiter. Is he still a Government employee?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. Have they had the round-up this spring?

Mr. REYNOLDS. No; it will not take place until about the 10th of May.

Senator SUTHERLAND. Last spring at the round-up, was Leiter there?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. Did he take part in the round-up?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. Did he assist in the branding?

Mr. REYNOLDS. Yes, sir; and I have an idea that he has a complete diary of the calves that were branded for the Indians.

Senator SUTHERLAND. It was suggested to me that he did not.

Senator DIXON. How much money has Mrs. Grey received from the Indians, if you know, since she has been there?

Mr. REYNOLDS. Something over $600 that we have receipts for.

Senator DIXON. How long was she on the reservation?

Mr. REYNOLDS. From October until March, at different times, and then she came back in April or May.

Senator DIXON. Where was she living while she was on the reservation during these winter months?

Mr. REYNOLDS. She was in the Lodge Grass district, living at different places, most of the time at Frank Gordon's, a squawman, who married an Indian woman.

Senator DIXON. What effect did her presence and agitation have on the Indians on the reservation?

Mr. REYNOLDS. It was very detrimental to the welfare of the Indians.

Senator DIXON. In what way?

Mr. REYNOLDS. She told them exaggerated stories of the large sum of money that had been stolen from them; she would get those moneys back for them. She told them about the sugar-beet proposition, and one of the main points was that she was going to get them all made citizens.

Senator DIXON. Mrs. Grey charged in a hearing the other day: "The fact remains that every allotment of dead Indians is now in the hands of those people"—referring to the Lincoln Town Site Company. Is that true or not?

Mr. REYNOLDS. It is absolutely false.

Senator DIXON. How many allotments are now in the hands of the Lincoln Town Site Company?

Mr. REYNOLDS. There are five deeds that I know of that have been issued, and I think there are two more in abeyance.

Senator DIXON. How many of the allotments were sold altogether?

Mr. REYNOLDS. Between 80 and 90, I should judge from memory.

Senator SUTHERLAND. By the way, has the Lincoln Town Site Company anything to do with the sugar company?

Mr. REYNOLDS. It was entirely news to me; no, sir; I do not know it; I never heard it.

Senator SUTHERLAND. They are separate institutions, as far as you know?

Mr. REYNOLDS. Yes, sir.

Senator SUTHERLAND. Have they begun to cultivate the land to sugar beets up there yet?

Mr. REYNOLDS. At Billings they have.

Senator SUTHERLAND. Have the Indians been employed?

Mr. REYNOLDS. The Indians have not been employed. We are a little out of the sugar-beet district. They might come a short distance in the Little Horn, but we are too far from Billings. It is 70 miles before they come to our agricultural land.

Senator SUTHERLAND. Have there been some leases made for sugar-beet cultivation?

Mr. REYNOLDS. It was never thought of.

Senator SUTHERLAND. I thought we had passed a bill for that purpose.

Mr. REYNOLDS. Not as respects our reservation, Senator—at least I never read any such bill.

Senator SUTHERLAND. Have you ever observed the Indians working on sugar-beet lands anywhere?

Mr. REYNOLDS. I never have.

Senator SUTHERLAND. Have you any idea as to whether or not they could be successfully employed in that kind of work?

Mr. REYNOLDS. I do not think the Crows could.

Senator SUTHERLAND. Why do you think they differ from other Indians?

Mr. REYNOLDS. I do not think they would take kindly to it.

Senator SUTHERLAND. Why not?

Mr. REYNOLDS. Their desires run more to stock.

Senator SUTHERLAND. They are more of a pastoral people than agricultural?

Mr. REYNOLDS. Yes, sir.

Senator CURTIS. That is true of most Indians, and yet it has been developed in the last two years that they are excellent men on railroads. The Santa Fe people say they are the best men they can get.

Mr. REYNOLDS. Our Indians have worked a great deal in the last two years on railroads and irrigating ditches.

Senator SUTHERLAND. Are they not successful farmers?

Mr. REYNOLDS. You have to keep after them all the time to get good results from them.

Senator SUTHERLAND. Have you tried them at gardening?

Mr. REYNOLDS. There would be no market for garden products with us. We try to have every Indian raise what vegetables he wants for his family use during the winter. We did not succeed

with that with a large percentage of them, but they are doing better all the time.

Senator SUTHERLAND. The reason I asked you that question was because it was stated here the other day by somebody that the Indians could not be successfully employed in sugar-beet farming. I had an idea that they could probably be more successfully employed at that sort of farming than any other, because it was intensive; because they could all keep together. A number of Indians working a small plot of ground together, it struck me, would get along more successfully than if they were separated widely on extensive farming.

Mr. REYNOLDS. My policy has been with the Crow Indians to get every Indian on his own allotment; get them fenced; build him a house or a barn or corral; then get him to have milch cows and pigs and chickens and set out shade trees and surround himself with things that were interesting and would keep him at home. The main difficulty is that they want to gather in a council or in a body together somewhere and you have to constantly fight against it to keep them from doing that. At the slightest pretext they engage in a big dance.

Senator SUTHERLAND. What is your idea as to the wisdom of any general system of leasing Indian allotments. Do you think it is the wise thing to do, or do you think it would be better to compel the Indians, wherever they are able-bodied and able to work, to work on their own land.

Mr. REYNOLDS. I believe thoroughly, and I know it, that every Indian should be made to make his own living. I tell every Indian that he is no better than we are, and should be compelled to make his own living, and if he makes his own living he would have a chance to be something.

Senator PAYNTER. I want to ask you what season of the year Mr. Dalby called a council of Indians?

Mr. REYNOLDS. It was in May.

Senator PAYNTER. State as to the character of the weather.

Mr. REYNOLDS. My impression is that the weather overhead was nice.

Senator PAYNTER. How many Indians were present?

Mr. REYNOLDS. I was not at the council.

Senator PAYNTER. Did you hear Mrs. Grey's statement that they were kept there two days without sufficient food?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. She said they did not have any meat. How about that?

Mr. REYNOLDS. I never heard any complaint.

Senator PAYNTER. Where did they sleep during that time?

Mr. REYNOLDS. I suppose they took their tents with them.

Senator PAYNTER. Do they carry tents with them on occasions like that?

Mr. REYNOLDS. Yes, sir; whenever they go to Sheridan or Billings they throw a tent in the back of the buggy—at any time of the year.

Senator PAYNTER. Was she arrested on that occasion?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. That was the third arrest?

Mr. REYNOLDS. Yes, sir; I had arrested her twice.

Senator CURTIS. What was she charged with at that time?

Mr. REYNOLDS. On both occasions when I arrested her I charged her with being on the reservation without authority and disturbing the peace.

Senator PAYNTER. What disposition was made of those charges?

Mr. REYNOLDS. I removed her from the reservation once, and the next time I wired the Department, and they said to allow Mrs. Grey to go upon the reservation, but to warn her to have nothing to do with the Indians, which I did in writing.

Senator PAYNTER. What was she charged with on this particular occasion when Mr. Dalby was there?

Mr. REYNOLDS. Trying to incite a riot, I suppose, and a disturbance.

The CHAIRMAN. You say you supposed. Don't you know?

Senator PAYNTER. I want to know what the charges were that you made against her?

Mr. REYNOLDS. I did not make any charges against her.

Senator PAYNTER. Or that Dalby made against her. Did she have permission to be on the reservation at that time?

Mr. REYNOLDS. Mr. Dalby brought her there himself.

Senator PAYNTER. If you know, what was she doing there that was tending to incite a riot?

Mr. REYNOLDS. Well, she was there to bring forth the charges that she said she had against me and prove them by the Indians.

Senator PAYNTER. And Dalby was there to investigate it?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. And she was there trying to aid the Indians in sustaining the charges.

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. Was she doing anything other than prosecuting that effort to develop a case against you?

Mr. REYNOLDS. She did everything she could, as I have heard, to excite the Indians.

Senator PAYNTER. That is, to complain against you or to incite them to deeds of violence.

Mr. REYNOLDS. Both; the Indians did not at that time, and do not now, know what Mrs. Grey's charges were.

Senator PAYNTER. She was not permitted to let the Indians know the purpose of her effort to assist them.

Mr. REYNOLDS. She certainly was; but she had so many charges and rumors that the Indians did not know anything about, and did not know when they got down to the real charges what they were or what they ought to be.

Senator PAYNTER. Where was she tried when she was charged in that case?

Mr. REYNOLDS. She was tried at Billings.

Senator PAYNTER. What disposition was made of her case?

Mr. REYNOLDS. She stayed at the agency mess house and the next day she was removed.

Senator PAYNTER. To what place?

Mr. REYNOLDS. She was taken from the reservation.

Senator PAYNTER. So she did not remain there during Dalby's investigation?

Mr. REYNOLDS. Not after this trouble. They had been there several days previous.

Senator PAYNTER. Was she arrested before the Indians left the agency.

Mr. REYNOLDS. She was arrested 20 miles from the agency. I was not there.

Mrs. GREY. The council was held at Lodgegrass. It was not at the agency, but at Lodgegrass.

Senator PAYNTER. You were there, then, by invitation of Mr. Dalby. Do you know whether she was, Major Reynolds?

Mr. REYNOLDS. I do not know about that.

Senator CURTIS. If you have not stated, I wish you would state to the committee why you refused to let Mr. Brosius make an investigation.

Mr. REYNOLDS. I did not refuse to permit him to make an investigation.

The CHAIRMAN. What did you do?

Mr. REYNOLDS. Mr. Brosius came to the agency, and I was told that a man had gone to Mr. Burgess's house, and the Indians who told me were Frank Shiveley and Big Medicine, and I sent them down to see who the man was, and they came back and reported that it was Mr. Brosius; that he had come on a daylight train that got there at 4 o'clock in the afternoon, and he was going to leave on a train going out at 2 o'clock that night. I reported it to Mr. Dalby, and he wrote a note inviting Mr. Brosius to come to his room. He came to his room and Mr. Dalby said to him that he had been there making an investigation, that he had been there several weeks, and he would be glad to know if Mr. Brosius knew anything that would aid in his investigation.

The CHAIRMAN. Did you hear this statement?

Mr. REYNOLDS. Yes, sir; and he said if you wish to make a statement here to me I will request Mr. Reynolds to leave the room. Mr. Brosius said he had no statement to make; that he had merely stopped at the agency to see Mr. Burgess and his family, whom he had known for some time, and had not seen them for quite a long time and that he had ordered his mail sent to Sheridan. He wanted to go to Sheridan to get his mail and was going on west.

Senator CURTIS. Then he made no request?

Mr. REYNOLDS. No request to make an investigation. I was impressed with the desire of Mr. Dalby to get from Mr. Brosius any information that he had. Mr. Brosius finally declined to be further catechised and said that if he made a report he would make it to Commissioner Leupp. Mr. Dalby requested that he make a report to Mr. Leupp in time so that it would be referred back to him for action if any action was necessary to be taken before he left; that he would be there for a week or ten days, or some such length of time. When the conversation was over, it was a dark night and I had borrowed a lantern, and Mr. Dalby joined us and we walked back home, and Mr. Burgess lighted Mr. Brosius down there, and he talked to us about the conference that was to be held and said he would be glad to have us come out and visit it in the fall. Our meeting was perfectly friendly, and when we left Mr. Brosius he told him he would be glad to have him stay over and visit the reservation. He said he did not have any time; that he had to hurry on west.

Senator CURTIS. How about Mr. Sniffen? Did he request a permit to make an investigation?

Mr. REYNOLDS. I met Mr. Sniffen in Helena before the grand jury, I think it was the 21st day of January. When I went to the hotel on my way I saw Major McLaughlin talking to somebody whom I did not know. I greeted him and he introduced me to Mr. Sniffen, saying that he was the agent for the Indian Rights Association, and Mr. Sniffen immediately started in and told me that he had come there for the purpose of investigating the affairs of the Crow Reservation. He said his people had ordered him to make an investigation, and had written the Secretary stating that he was coming out to the Crow Reservation and the Secretary had offered no objection. I told Mr. Sniffen that I would not permit him to go on the reservation and call the Indians in council and start an investigation. There was a large delegation of Indians at Helena; they could see them and talk with them, but the grand jury was investigating the charges. I said in a social way I would be glad to have him come to the reservation at any time, and on any previous occasion I would have been glad to have him come there and gone over the reservation, but his going down there could do nothing but harm to the Indians—call them together, and they had been more or less excited and were sick and tired of the whole business and wanted an end put to it, and I would not give my consent and would not allow him to do so at that time. He said: "All right, I will go anyhow and make the investigation."

Then I told Mr. Sniffen if he went he would be arrested and removed from the reservation, and I wrote the clerk in charge that if Mr. Sniffen came there and attempted to call the Indians in council or in any manner to create excitement there, I instructed him to arrest him and remove him from the reservation. Mr. Sniffen that evening came to me and told me that he had changed his mind; he was going that evening, but he had changed his mind and was not going down to the Crow Reservation; that he had wired his people for instructions. He said that what he wanted to do was to go down there and come back, so he could wire them what he had done, and he hoped they would wire him to come home. He asked me if he went down how soon he could get back, and I told him that by leaving Helena at midnight he would reach the Crow Agency the next afternoon at 2 o'clock, and he could leave Crow Agency that same night at 10 o'clock, and he went. He took no baggage with him. He went to the office and visited with the clerk and talked over matters, and they had just a good social time. He told the clerk, in order to tell his people, he would like to have him write him a statement refusing him permission to make an investigation, so that he could give it to his people as the basis of any matter that they would bring up with the Department.

Senator CURTIS. Who was the clerk?

Mr. REYNOLDS. Fred Miller. He notified him that he had the honor to tell him that he is under arrest, etc.

Senator CURTIS. Was that all there was to his arrest?

Mr. REYNOLDS. That was all there was to it.

Senator CURTIS. Was he not in charge of an officer?

Mr. REYNOLDS. He was not.

Senator CURTIS. Was he taken to the guardhouse?

Mr. REYNOLDS. He was not.

The CHAIRMAN. It was just a technical arrest.

Mrs. GREY. Mr. Miller took me to the station.

Senator DIXON. Were you there?

Mrs. GREY. No; there was a strict quarantine of smallpox, and they said if Mr. Sniffen had left the railroad track he could have been thrown into the guardhouse.

Mr. REYNOLDS. He told me before leaving Helena that he would like to have a letter from me and Mr. Miller, and he said he would observe any parole that I wished to place over it; he would not see the Indians or anybody else. I told Mr. Sniffen I would not give him any letter; that if he went to the agency I would guarantee that he would be treated all right, and I wrote Mr. Miller and told him that Mr. Sniffen appeared to be a gentleman and if he came there I told him to extend to him every courtesy.

Senator CURTIS. Then your object in preventing an investigation at that time was that you thought it would stir up the Indians?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. But you say that Brosius did not want to disclose any supposed information to Dalby. Of course that is an inference.

Mr. REYNOLDS. I am at a loss to understand what his object was.

The CHAIRMAN. Were you at Frank Gordon's at any time when he attempted to strike you.

Mr. REYNOLDS. I was.

The CHAIRMAN. Was Mrs. Grey there?

Mr. REYNOLDS. She was.

The CHAIRMAN. You may state what occurred.

Mr. REYNOLDS. I went to Frank Gordon's with two policemen and Mr. Miller and Mr. Campbell. It had come to me that a council of Indians had been called at Lodgegrass, and Mrs. Grey was there, and I went to Lodgegrass to arrest her. I arrested her at Frank Gordon's and in the melee of the arrest she made certain assertions. I have forgotten what they were, but at any way Gordon jumped up and was going to strike me.

The CHAIRMAN. What did she do?

Mr. REYNOLDS. At the same time two policemen grabbed her, though neither of them knew what was going to happen. They grabbed her, however. There was no one there to hurt me in the world.

The CHAIRMAN. Did she remonstrate with Gordon when he attempted to strike you?

Mr. REYNOLDS. He never had any chance to strike me.

The CHAIRMAN. You testified that he attempted to strike you, did you not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Now, when he attempted to strike you did Mrs. Grey remonstrate or take any action to prevent him?

Mr. REYNOLDS. She told him not to do that.

The CHAIRMAN. Did she take any action toward getting between you and Gordon?

Mr. REYNOLDS. I do not think so.

The CHAIRMAN. Are you certain about that?

Mr. REYNOLDS. I am certain about it.

Mrs. GREY. Mrs. Gordon was there, and I said, "Don't strike, Gordon; if you strike, he is the agent, and you will get into trouble," and did I not beg him not to do it?

Mr. REYNOLDS. No, sir.

Mrs. GREY. That is exactly what did occur.

The CHAIRMAN. Prior to the incident at Gordon's do you know whether Mrs. Grey had held any meetings with the Indians?

Mr. REYNOLDS. She did.

The CHAIRMAN. Where?

Mr. REYNOLDS. She had a meeting at Wyola, and they had had a meeting at Gordon's.

The CHAIRMAN. How long had she been on the reservation at the time of this meeting at Wyola?

Mrs. GREY. Had I not just arrived on the train, and had they not come there to meet me and take me over to Gordon's—four or five of the Indians?

Mr. REYNOLDS. I do not know of her being there previous to that.

The CHAIRMAN. How long had she been there previous to the meeting at Gordon's?

Mr. REYNOLDS. Perhaps two days.

The CHAIRMAN. Had she any permit at that time to be on the reservation?

Mr. REYNOLDS. She had a permit to be there to attend ceremonial dances which were given her by the Commissioner.

The CHAIRMAN. The Commissioner gave her the permit.

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Had you seen the permit?

Mr. REYNOLDS. I had a copy of it.

The CHAIRMAN. Have you got it with you?

Mr. REYNOLDS. I have not.

Mrs. GREY. I have. It is on file.

Mr. REYNOLDS. I do not find the memorandum that I was trying to find, but I would like to say that we raised in the district 75,000 bushels of wheat and oats this year.

Senator CURTIS. In the various districts?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. How much did they raise when you went there six years ago; these same districts?

Mr. REYNOLDS. The first two years I was there I do not think they raised to the extent of 15,000 to 20,000 bushels of grain and very little hay, the Indians, when I went with them, all of them receiving full rations.

Senator DIXON. At what expense to the Government?

Mr. REYNOLDS. About $75,000 to $80,000 a year.

Senator DIXON. Are any of them rationed now?

Mr. REYNOLDS. Not one, and have not been for three years.

Senator DIXON. Are they self-supporting?

Mr. REYNOLDS. They are.

Senator DIXON. Will you tell this committee who Joe Cooper, who has been referred to by Mrs. Grey on numerous occasions, is?

Mr. REYNOLDS. Joe Cooper is a half-breed man. When I went to Montana he was living near Billings—around Billings.

Senator DIXON. Not on the reservation at all?

Mr. REYNOLDS. No, sir; not since I have been on the reservation. When I first went there he had a home on Soap Creek, which was given him by Mr. Becker, so I have been told.

Senator DIXON. That was when Becker was agent?

Mr. REYNOLDS. Yes, sir. It was the old round-up headquarters consisting of a house and barn and a corral, and when the land was allotted he took his family to his allotment, consisting of fifteen or sixteen hundred acres.

Senator DIXON. What does he do toward making a living; is he a progressive half-breed or what kind of a man is he?

Mr. REYNOLDS. Joe Cooper is an indolent fellow. I have never known of his doing any work to speak of.

Senator DIXON. Is he improving his place now?

Mr. REYNOLDS. He is not; it is just the reverse. He has not a thing standing there now to show that he ever had a place.

Senator DIXON. What has become of the building?

Mr. REYNOLDS. I heard that he burned his corral up and burned his barn up.

Senator DIXON. For what purpose?

Mr. REYNOLDS. For firewood.

Senator DIXON. Does he cultivate his 1,500 acres of land?

Mr. REYNOLDS. He has attempted to raise potatoes and watermelons, I think, about the first summer he went there, but he raised no crop last year and made no attempt, or the year before.

Senator DIXON. What was he raising?

Mr. REYNOLDS. Last year he was assisting Mrs. Grey. I do not think that he did ten days' work in the past year.

Senator DIXON. Is he the man who writes this petition with these Indian names attached?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. And sends it down here?

Mr REYNOLDS. Yes, sir.

Senator DIXON. Will he be here—do you know, Mrs. Grey?

Mrs. GREY. He is now here; yes sir.

Senator DIXON. Where does he get his money to live on if he does not work?

Mr. REYNOLDS. I think his half brother, George Pease, has probably done a good deal toward supporting him for the last few years.

Senator DIXON. Is George Pease this apparently white man who is with this delegation?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. He is a half brother of Joe Cooper's?

Mr. REYNOLDS. Yes, sir.

Senator DIXON. Mrs. Grey stated the other day that of this delegation there were no C. I. L. Indians in the delegation—the Crow Indian Lodge, or whatever they call them. Are there any C. I. L. members of this delegation?

Mr. REYNOLDS. There are three that I know.

Senator DIXON. Three out of how many?

Mr. REYNOLDS. Three out of nine.

Senator DIXON. Mrs Grey said that Sees with His Ears was Big Medicine's son-in-law. How about that?

Mr. REYNOLDS. Sees With His Ears is no relation to Big Medicine.

Mrs. GREY. Is he not Grace's husband?

Mr. REYNOLDS. He is not.

Mrs. GREY. I have Lucy Old Horn's affidavit that he is. I want to say that the matter with regard to my taking money from the Indians is all in the stenographic report. Mr. Reynolds's statement is not true.

There being no further questions the witness was excused.

STATEMENT OF JOSEPH COOPER.

JOSEPH COOPER, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. Please state your full name.

Mr. COOPER. Joseph Cooper.

The CHAIRMAN. How old are you?

Mr. COOPER. Thirty-six.

The CHAIRMAN. Where do you live?

Mr. COOPER. In Lodgegrass.

The CHAIRMAN. Are you one of the Crows?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How much Crow blood are you?

Mr. COOPER. One-fourth Indian.

The CHAIRMAN. You have an allotment there?

Mr. COOPER. Yes, sir.

The CHAIRMAN. What improvements have you got on it?

Mr. COOPER. I have no improvements.

The CHAIRMAN. Were there ever any improvements on it?

Mr. COOPER. Little.

The CHAIRMAN. What were they?

Mr. COOPER. A house.

The CHAIRMAN. How big a house?

Mr. COOPER. Three rooms in it.

The CHAIRMAN Do you have any barn?

Mr. COOPER. Yes, sir

The CHAIRMAN. Do you have a corral?

Mr. COOPER. Yes, sir.

The CHAIRMAN. What became of the house?

Mr. COOPER. The house got burned a year ago in April.

The CHAIRMAN. What became of the barn?

Mr. COOPER. The barn burned up with the house.

The CHAIRMAN. It burned at the same time the house burned?

Mr. COOPER. Yes, sir. I will have to explain why it got burned at the same time. I tore it down and put it in my house.

The CHAIRMAN. You tore the barn down and put it in your house?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Had you a house before that time?

Mr. COOPER. I had a house, but it was not finished.

The CHAIRMAN. What became of your corral?

Mr. COOPER. I burned that.

The CHAIRMAN. For firewood?

Mr. COOPER. Yes, sir

The CHAIRMAN. How far do you live from the agency?

Mr. COOPER. I judge about 40 miles.

The CHAIRMAN. Do you know the agent, Major Reynolds?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. COOPER. For some years.

The CHAIRMAN. Were you present there when Mr. Dalby came out to the agency.

Mr. COOPER. Yes, sir.

The CHAIRMAN. Were you present there when Mrs. Grey was at the agency before Dalby came—do you know Mrs. Grey?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Do you ever see her on the reservation?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Before Mr. Dalby was there?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Was he at your house?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How much of a family have you?

Mr. COOPER. I have nine children living.

The CHAIRMAN. Is your wife a full blood?

Mr. COOPER. She is a half-breed.

The CHAIRMAN. When Mrs. Grey was there did you have any trouble with Mr. Reynolds; did Mr. Reynolds come to your house while Mrs. Grey was there?

Mr. COOPER. Not at my house.

The CHAIRMAN. What house were you at?

Mr. COOPER. Frank Gordon's.

The CHAIRMAN. Did you see any trouble there with Mr. Reynolds?

Mr. COOPER. At Lodge Grass, I did; yes, sir.

The CHAIRMAN. You may state what that was?

Mr. COOPER. Well, it was the arrest of Mrs. Grey.

The CHAIRMAN. Did you have any trouble with Reynolds?

Mr. COOPER. Not at that time.

The CHAIRMAN. Did you at any time?

Mr. COOPER. I have been arrested on two different occasions.

The CHAIRMAN. No; but did you have any trouble with Mr. Reynolds?

Mr. COOPER. Not personally; no, sir.

The CHAIRMAN. You never had any trouble with him?

Mr. COOPER. No, sir.

The CHAIRMAN. You say you were arrested?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Was it while Mrs. Grey was there?

Mr. COOPER. I do not believe Mrs. Grey was there when I was arrested.

The CHAIRMAN. Why were you arrested before, the first time?

Mr. COOPER. For attempting to come to Washington.

The CHAIRMAN. Had you seen Mrs. Grey before that?

Mr. COOPER. Yes, sir; I had.

The CHAIRMAN. Had you any talk with her about coming to Washington?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Where were you when you were arrested at that time?

Mr. COOPER. I was arrested on the train between Parkman and Ranchester.

The CHAIRMAN. Is that on the reservation?
Mr. COOPER. It is off of the reservation.
The CHAIRMAN. Who arrested you?
Mr. COOPER. Mr. Campbell arrested me, and Mr. Bigges.
The CHAIRMAN. Who was the other man?
Mr. COOPER. Mr. Bigges.
The CHAIRMAN. Are they officers?
Mr. COOPER. I can not say any more than that they are employees at the agency.
The CHAIRMAN. How far was this from the agency that you were arrested?
Mr. COOPER. It is in the neighborhood of 35 miles.
The CHAIRMAN. Did they have any paper?
Mr. COOPER. No, sir.
The CHAIRMAN. They did not show you any paper.
Mr. COOPER. No, sir.
The CHAIRMAN. What did they do with you after they arrested you?
Mr. COOPER. They turned me over to the city officer at Sheridan.
The CHAIRMAN. How long did the city officer keep you?
Mr. COOPER. He kept us there fully twenty-four hours.
The CHAIRMAN. Locked you up?
Mr. COOPER. Yes, sir.
The CHAIRMAN. Did he show you any paper?
Mr. COOPER. No, sir. I asked for a paper but they did not give it to me.
The CHAIRMAN. Did he take you before any court?
Mr. COOPER. No, sir.
The CHAIRMAN. He just let you loose?
Mr. COOPER. As we left the jail at Sheridan?
The CHAIRMAN. Yes.
Mr. COOPER. No, sir; we were turned over to Mr. Campbell and Mr. Pease.
The CHAIRMAN. He turned you over to them?
Mr. COOPER. Yes, sir.
The CHAIRMAN. After you had been in the jail?
Mr. COOPER. Yes, sir.
The CHAIRMAN. What did they do with you?
Mr. COOPER. They took us back to the Crow Agency and put us in jail there.
The CHAIRMAN. Did they show you any paper when they took you back?
Mr. COOPER. No, sir; they did not.
The CHAIRMAN. How long did they keep you in the jail at the agency?
Mr. COOPER. I think it was about three days.
The CHAIRMAN. Did they take you before any court?
Mr. COOPER. No, sir.
The CHAIRMAN. What did they do at the end of the three days?
Mr. COOPER. They turned us out.
The CHAIRMAN. Just turned you loose?
Mr. COOPER. Yes, sir.
The CHAIRMAN. During all this time you say they did not show you any paper?
Mr. COOPER. Yes, sir.

The CHAIRMAN. Did you ask them what you were arrested for?
Mr. COOPER. No, sir; I did not.
The CHAIRMAN. Did they tell you what you were arrested for?
Mr. COOPER. No, not in a specific way.
The CHAIRMAN. Did they tell you anything about what you were arrested for?
Mr. COOPER. No, sir.
The CHAIRMAN. You stated a few moments ago that you were arrested because you were trying to come to Washington?
Mr. COOPER. Yes, sir.
The CHAIRMAN. What makes you think that—who told you that?
Mr. COOPER. I could not say anybody in particular who told me that.
The CHAIRMAN. When were you arrested the second time?
Mr. COOPER. Just two months after that time.
The CHAIRMAN. Where?
Mr. COOPER. At Crow Agency.
The CHAIRMAN. Do you know what for?
Mr. COOPER. I suppose it was because I was with Mrs. Grey.
The CHAIRMAN. Who arrested you?
Mr. COOPER. Major Reynolds.
The CHAIRMAN. Did he have any paper?
Mr. COOPER. No, sir.
The CHAIRMAN. What did he do with you when he arrested you?
Mr. COOPER. He simply ordered the policeman to take me down to the jail.
The CHAIRMAN. Did they put you in jail?
Mr. COOPER. Yes, sir.
The CHAIRMAN. How long did they keep you there?
Mr. COOPER. I think they kept me there at that time three days.
The CHAIRMAN. Did they show you any papers?
Mr. COOPER. No, sir.
The CHAIRMAN. Did they take you before any court?
Mr. COOPER. No, sir.
The CHAIRMAN. They just turned you loose when they let you out?
Mr. COOPER. Well, he spoke to me as he was turning me out.
The CHAIRMAN. What did he say to you?
Mr. COOPER. I do not wish to go into the details.
Mrs. GREY. Just go ahead and tell what he said.
The CHAIRMAN. What is your reason for not wanting to go into it; on account of the character of the language?
Mr. COOPER. Yes, sir.
Mrs. GREY. Just tell the committee where I was at this time and all about it.
The CHAIRMAN. What did he say to you when he turned you out?
Mr. COOPER. I can not recall it word for word.
The CHAIRMAN. Well, as nearly as you can recall it.
Mr. COOPER. Well, he attacked Mrs. Grey's character very strongly.
The CHAIRMAN. What did he say about Mrs. Grey' character?
Mr. COOPER. He called her an old blister and a whore.
The CHAIRMAN. Did he use the word "whore?"
Mr. COOPER. Yes, sir.
The CHAIRMAN. Are you sure about that?

Mr. COOPER. I am sure; yes, sir. I have sworn that I would tell the truth.

The CHAIRMAN. He used the word "blister."

Mr. COOPER. Yes, sir.

The CHAIRMAN. Where was Mrs. Grey at this time?

Mr. COOPER. Mrs. Grey, I believe, was at the hotel at the time at the Crow Agency.

The CHAIRMAN. What else did he say when he turned you loose, if you remember?

Mr. COOPER. He intimated that I had better drop this matter altogether.

The CHAIRMAN. What matter?

Mr. COOPER. This Crow matter.

Senator DIXON. What part of the Crow matter?

Mr. COOPER. In general, sir.

The CHAIRMAN. Now, do you know anything about the Indians raising money for Mrs. Grey to come to Washington with?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How much was raised for her?

Mr. COOPER. I could not tell you the exact amount, but there was $310 at one time.

The CHAIRMAN. Do you know who contributed the money—do you know what the word contribute means?

Mr. COOPER. Yes, sir. They all contributed.

The CHAIRMAN. Who was it collected from?

Mr. COOPER. Several different Indians.

The CHAIRMAN. Do you remember any Indian who contributed any money for that purpose?

Mr. COOPER. I, for one, contributed.

The CHAIRMAN. How much did you contribute?

Mr. COOPER. I personally have contributed $25.

The CHAIRMAN. When you started for Washington how much money did you have at the time you were arrested, the first time?

Mr. COOPER. I had something in the neighborhood of $350.

The CHAIRMAN. Where did you get that?

Mr. COOPER. That was the same.

The CHAIRMAN. The same money?

Mr. COOPER. Yes, sir.

The CHAIRMAN. That had been contributed for her to come to Washington with?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Where was she, if you know, when you were arrested the first time?

Mr. COOPER. She was at Wyola, I believe, at the time I was arrested.

The CHAIRMAN. I forgot the name of the place where you were arrested.

Mr. COOPER. It is between Parkman and Ranchester where I was arrested.

The CHAIRMAN. How far is that from Wyola?

Mr. COOPER. It would be in the neighborhood of 15 miles.

The CHAIRMAN. Were you intending to meet her at Wyola at that time?

Mr. COOPER. At Parkman.

The CHAIRMAN. And she was coming on to Washington with you.

Mr. COOPER. Not with her; no, sir.

The CHAIRMAN. Was anyone coming to Washington with you, that you know?

Mr. COOPER. There were six of us in all.

The CHAIRMAN. Six of you?

Mr. COOPER. Yes, sir.

The CHAIRMAN. When were the rest of them arrested?

Mr. COOPER. They were all arrested with me.

The CHAIRMAN. Will you give the reporter the names of the six?

Mr. COOPER. Yes, sir; Yellow Brow, Packs The Hat, Holds His Enemy, and Spotted Rabbit. I can not recall the others at this time.

The CHAIRMAN. Were those all taken with you to Sheridan and locked up at Sheridan?

Mr. COOPER. Yes, sir.

Senator DIXON. I would like to ask now, in order to get in a consecutive way, under the Departmental rulings can Indians visit Washington without a permit from the Department?

The CHAIRMAN. Do you understand the question? Under the Departmental rulings can Indians visit Washington without an order from the Department?

Mr. COOPER. Yes, sir; so I have understood that.

Senator DIXON. You understood that they could?

Mr. COOPER. I do not know as to that.

Senator DIXON. What was your undertanding about it?

Mr. COOPER. This is the first time that it has come to me.

Senator DIXON. Have you lived on an Indian reservation for ten years and do not know that an Indian is not authorized to leave it without a permit from the agent or a permit from Washington?

Mr. COOPER. My object at this time is to see if I can not have that restriction taken out, so that I may go where I choose to.

The CHAIRMAN. Do you understand that you can not come to Washington without an order or permit from the Department? At the time you were arrested the first time, what was your understanding as to that?

Mr. COOPER. I did not have any at all at the first time.

The CHAIRMAN. Did you understand that at that time, before you were arrested, that you had to have a permit in order to come to Washington?

Mr. COOPER. I did not know, sir, regarding that matter at that time.

Senator DIXON. You know that now, do you?

Mr. COOPER. Well, I could not say that I do, sir.

Senator DIXON. Is not an Indian agent authorized by the rules of the Department to arrest every Indian who starts to run away from the reservation?

Mr. COOPER. It has been done, sir; yes, sir.

Senator DIXON. Is not that an invariable instruction to every Indian agent in the West, to do that?

The CHAIRMAN. What do you know about it? Do you know whether the Department here in Washington has issued instructions to agents to arrest Indians who leave the reservation without instructions?

Mr. COOPER. As I said before, I do not know that.

Senator DIXON. Now the first time that you were arrested was the time that you claimed Mr. Reynolds used these words about Mrs. Grey.

Mr. COOPER. Yes, sir.

Senator DIXON. Who was present at that time, if anybody?

Mr. COOPER. Mr. Miller was present, the clerk at Big Medicine, the chief of the police.

Senator DIXON. How near were they to you and Mr. Reynolds when Mr. Reynolds said this about Mrs. Grey?

Mr. COOPER. They could not have been further than you and I are together.

Senator DIXON. Four or 5 feet?

Mr. COOPER. Yes, sir.

Senator DIXON. So you think they could have heard it?

Mr. COOPER. Yes, sir.

Senator DIXON. Did either of them make any remark at the time?

Mr. COOPER. No, sir.

Senator DIXON. Neither Miller nor Big Medicine?

Mr. COOPER. No, sir.

Senator DIXON. Does Big Medicine understand the English language?

Mr. COOPER. I do not believe he does.

Senator DIXON. After your first arrest and before your second arrest, did you see Mrs. Grey again?

Mr. COOPER. Yes, sir.

Senator DIXON. Very often?

Mr. COOPER. Yes, sir.

Senator DIXON. And what did you talk about when you saw her?

Mr. COOPER. We were speaking about the reservation in general.

Senator DIXON. Well, what about the reservation? What did you want to come to Washington to talk about at that time that you were arrested?

Mr. COOPER. There are many things that I thought were irregular.

Senator DIXON. Well, name some of them.

Mr. COOPER. I could not say in particular of them.

Senator DIXON. But you came to Washington to make a complaint, did you not?

Mr. COOPER. Yes, sir.

Senator DIXON. You and those Indians?

Mr. COOPER. Yes, sir.

Senator DIXON. Did you not have in mind what you were coming to make a complaint about?

Mr. COOPER. Well, we were coming here to see if we could not get an investigation made of our reservation for us.

Senator DIXON. What did you want investigated?

Mr. COOPER. Different things, sir.

Senator DIXON. What were some of those things?

Mr. COOPER. One of the things was that we wanted a man to come out there and tell us our standing with the Government here on the agency books.

Senator DIXON. On the books?

Mr. COOPER. Yes, sir.

Senator DIXON. That was in regard to your accounts?

Mr. COOPER. Yes, sir.

Senator DIXON. What accounts?

Mr. COOPER. All of our accounts. We did not know of any of our accounts.

Senator DIXON. You understand you have always been paid your annuities, do you not?

Mr. COOPER. Yes, sir.

Senator DIXON. Under the treaties?

Mr. COOPER. Yes, sir.

Senator DIXON. Now what other accounts are there that you have got with the Government?

Mr. COOPER. Well, there would be the lease account.

Senator DIXON. And you wanted that investigated?

Mr. COOPER. Yes, sir.

Senator DIXON. Well, now what else do you want investigated?

Mr. COOPER. We wanted also the schools to be investigated.

Senator DIXON. What was the trouble with the schools?

Mr. COOPER. Well, it was such that I had to send my children away from there.

Senator DIXON. Why?

Mr. COOPER. Because the boys and girls mingled with one another a good deal.

Senator DIXON. That was the trouble, was it?

Mr. COOPER. That was one trouble.

Senator DIXON. What school was this, the school at the agency?

Mr. COOPER. Yes, sir.

Senator DIXON. How many scholars are there, do you know?

Mr. COOPER. I do not know, sir.

The CHAIRMAN. Well, where about, could you tell anything about how many there were?

Mr. COOPER. No, sir; I have no idea how many there are in that school.

Senator DIXON. And you thought they mingled together too much?

Mr. COOPER. Yes, sir.

Senator DIXON. Did you ever talk with the agent about that; or did you hear anyone else talk to him about it?

Mr. COOPER. I do not know that I could say that I did speak to him on that subject.

Senator DIXON. Did you talk with Mrs. Grey about it?

Mr. COOPER. In some respects I have; yes, sir, regarding the school.

Senator DIXON. I mean before you started to come on this trip to Washington.

Mr. COOPER. Yes, sir.

Senator DIXON. Now, what else was there that you wanted to have investigated?

Mr. COOPER. Well, there was the sale of our land.

Senator DIXON. What land?

Mr. COOPER. I understood that it is known as the treaty of 1901.

Senator DIXON. Was that the land on the ceded reservation?

Mr. COOPER. Yes, sir.

Senator DIXON. What was there about that you thought was wrong?

Mr. COOPER. Well, you know the money was specified for different things, and it was not fulfilled.

Senator DIXON. What else was it that you wanted to have investigated?

Mr. COOPER. I could not think just at this time.

Senator DIXON. What were you doing when you were arrested the second time?

Mr. COOPER. I went down to visit a friend of mine at Crow Agency.

Senator DIXON. And while down there you were arrested?

Mr. COOPER. Yes, sir.

Senator DIXON. Were you ever arrested except these two times?

Mr. COOPER. They were the only times.

Senator DIXON. Do you know about Mrs. Grey being arrested?

Mr. COOPER. I only knew of it after I came out of jail—no; I knew it while I was in jail.

Senator DIXON. The first time?

Mr. COOPER. The last time I was arrested.

Senator DIXON. Was she locked up in the same jail?

Mr. COOPER. No, sir; she was not.

Senator DIXON. How old are you?

Mr. COOPER. Thirty-six.

Senator DIXON. Where were you born?

Mr. COOPER. I was born in Fort Union, Dak.

Senator DIXON. How old were you before you went to live on the Crow Reservation?

Mr. COOPER. I guess I was 10 years old.

Senator DIXON. When you went to live on the Crow Reservation?

Mr. COOPER. Yes, sir.

Senator DIXON. Did you go to Carlisle?

Mr. COOPER. I was there for a short time.

Senator DIXON. How long?

Mr. COOPER. Four months.

Senator DIXON. Why did you not stay longer?

Mr. COOPER. Because I did not like it.

Senator DIXON. You ran away?

Mr. COOPER. Yes, sir; I did.

Senator DIXON. How old were you?

Mr. COOPER. Eighteen.

Senator DIXON. Why did you run away from Carlisle; were you mistreated there?

Mr. COOPER. I did not find it what I expected the school ought to be.

Senator DIXON. You did not think it was a good place for a young man to be?

Mr. COOPER. I could not say anything in particular, any more than I disliked the school and left it.

Senator DIXON. What was the matter with it, that you didn't like Carlisle?

Mr. COOPER. I did not get the schooling that I wanted.

Senator DIXON. Had you ever been to school before?

Mr. COOPER. Yes, sir.

Senator DIXON. Where?

Mr. COOPER. At Crow Agency.

Senator DIXON. You stayed there four months and ran away home.

Mr. COOPER. Yes, sir.

Senator DIXON. How much influence did you say you had?

Mr. COOPER. One-fourth.
Senator DIXON. Your father was a white man?
Mr. COOPER. Yes, sir.
Senator DIXON. Is he living?
Mr. COOPER. Yes, sir.
Senator DIXON. His post-office is at Billings, Mont., where?
Mr. COOPER. His post-office is at Billings, Mont.
Senator DIXON. Your mother was a half-breed Crow Indian woman?
Mr. COOPER. Yes, sir.
Senator DIXON. You have 9 children?
Mr. COOPER. Yes, sir.
Senator DIXON. How long have you been married?
Mr. COOPER. Going onto seventeen years.
Senator DIXON. Have you a house where you live now, have you?
Mr. COOPER. No, sir.
Senator DIXON. No house?
Mr. COOPER. That is on my ranch?
Senator DIXON. Yes.
Mr. COOPER. I have not; no, sir.
Senator DIXON. I thought you spoke of your house a while ago?
Mr. COOPER. My house was burned.
Senator DIXON. Where have you been living since then?
Mr. COOPER. I have been living at Lodge Grass.
Senator DIXON. Have you a house at Lodge Grass?
Mr. COOPER. I am living in a friend's house.
Senator DIXON. Whose house is it?
Mr. COOPER. George No Horse.
Senator DIXON. How many rooms are there in that house?
Mr. COOPER. It is a four-room house.
Senator DIXON. How far is it from your allotted land?
Mr. COOPER. It is about 35 miles by wagon.
Senator DIXON. And you have been living over there a year and a half, at Lodge Grass, away from your farm?
Mr. COOPER. Yes, sir.
Senator DIXON. How long have you lived there?
Mr. COOPER. A year this month.
Senator DIXON. Why have you not built a house over at your farm?
Mr. COOPER. I have not the means to put up a house.
Senator DIXON. But you have the means to come to Washington and give Mrs. Grey money to help you. Why did you not take that money and start to build a house?
Mr. COOPER. Well, $25 would never build me a house.
Senator DIXON. How much money did you have when you left home on this trip?
Mr. COOPER. I had $80.
Senator DIXON. Why did you not take that money and start to build a house?
Mr. COOPER. That was not my money.
Senator DIXON. Who contributed this money?
Mr. COOPER. The Indians.
Senator DIXON. How many acres have you and your family allotted to you?
Mr. COOPER. I have 1,560 acres allotted to me.

Senator DIXON. How long has it been allotted to you?
Mr. COOPER. Four years, I believe.
Senator DIXON. Have you any horses?
Mr. COOPER. I have 2 horses.
Senator DIXON. How long have you owned them?
Mr. COOPER. Four or five years.
Senator DIXON. Have you any cattle?
Mr. COOPER. Yes, sir.
Senator DIXON. How many?
Mr. COOPER. I have some 21 or 22 head.
Senator DIXON. How much farming did you do last year on this 1,500 acres of land?
Mr. COOPER. None at all.
Senator DIXON. You did no farming last year at all?
Mr. COOPER. No, sir.
Senator DIXON. How much farming did you do the year before last?
Mr. COOPER. Well, I had a garden of about 2 acres.
The CHAIRMAN. Out of this land that was allotted to you and your family, how much of it is irrigable land?
Mr. COOPER. Well, I have a small place that would cover about 20 more.
Senator DIXON. Is that the only land that you can irrigate, these 20 acres?
Mr. COOPER. That is all.
Senator DIXON. Is this all of your 1,560 acres that can be put under the ditch?
Mr. COOPER. I could cover nearly the whole of it if I had a ditch.
Senator DIXON. How long a ditch would it take?
Mr. COOPER. About 2 miles, that is on both sides of the creek, to cover all of it.
Senator DIXON. Have you ever made any effort to take out a ditch?
Mr. COOPER. No, sir.
Senator DIXON. Have you ever farmed this land any at all?
Mr. COOPER. No more than the garden spot that I spoke of.
Senator DIXON. Why did you not cultivate the 20 acres that are under ditch?
Mr. COOPER. Because I was not able to do it.
Senator DIXON. You moved away from your 1,500 acres of land, nearly all of which could be put under an irrigation ditch, and moved 35 miles away to live in a borrowed house?
Mr. COOPER. Yes, sir.
Senator DIXON. How much money did you and your family receive last year from the agency stores—tribal stores?
Mr. COOPER. I made no memorandum as to that and could not tell you.
Senator DIXON. Approximately, how much?
Mr. COOPER. Over $200.
Senator DIXON. Why did you not take this money and build a house down on your place, instead of moving away 35 miles?
Mr. COOPER. If I had all of this $200 in a bulk I could do something but when I get it in dribblings I can not do anything with it.
Senator DIXON. What went with this money?

Mr. COOPER. It went to get something to eat and to wear for my family and children.

Senator DIXON. How many of your children were at the Government's schools?

Mr. COOPER. There are none.

Senator DIXON. How many were there?

Mr. COOPER. None.

Senator DIXON. I thought you told Senator Clapp that you had some children at the agency Government schools and took them away?

Mr. COOPER. I did in years gone by.

Senator DIXON. How many years ago?

Mr. COOPER. Two years ago.

Senator DIXON. How many children did you have at school there?

Mr. COOPER. Five.

Senator DIXON. Do you mean at the Government schools?

Mr. COOPER. Yes, sir.

Senator DIXON. And you took all of them away?

Mr. COOPER. Yes, sir.

Senator DIXON. How large are those children?

Mr. COOPER. The youngest one was about 7.

Senator DIXON. And the oldest?

Mr. COOPER. The oldest was about 13 or 14.

Senator DIXON. How long did you let those children stay at the Government schools?

Mr. COOPER. Ever since they were able to go to school.

Senator DIXON. But you took them away two years ago?

Mr. COOPER. Yes, sir.

Senator DIXON. Because they were too crowded and too promiscuous, that is, the girls and boys living together?

Mr. COOPER. I do not say that at all, sir. I said there were older boys and girls at that school and I did not want my children to come under the influence of those kind of children.

Senator DIXON. You did not want your children to associate with the other children?

Mr. COOPER. Yes, sir.

Senator DIXON. Is that what I understand you to mean?

Mr. COOPER. Yes, sir. My children are at school now, and have been ever since, at Santee, Nebr., a missionary school.

Senator DIXON. Is it an agency school?

Mr. COOPER. It is a missionary school.

Senator DIXON. How many children have you at home?

Mr. COOPER. About four at home.

Senator DIXON. What is the age of the eldest at home?

Mr. COOPER. The eldest of them is about 6, 5 or 6.

Senator DIXON. Did you have your land, this 1,500 acres, leased?

Mr. COOPER. I got $100 from Mr. Heinrich last year, but none this year.

Senator DIXON. You leased 1,520 acres for $100?

Mr. COOPER. About half; about half of my place.

Senator DIXON. Why did you not take this team and plow an irrigation ditch so that you could irrigate this land?

Mr. COOPER. I have no team, sir.

Senator DIXON. Did you not just testify that you had two horses?

Mr. COOPER. Yes, I did; but that does not say that it is a team though. I have a small pony and one large horse.

Senator DIXON. Did you ever ask the agent to help you start farming down there?

Mr. COOPER. No, sir; not on the farm, but I have asked otherwise for help.

Senator DIXON. Does not the agent give Indians who want to work employment?

Mr. COOPER. I am not speaking for them, but I am speaking for myself.

Senator DIXON. Did you ever make application to the agency to help you to start a farm?

Mr. COOPER. Yes, sir.

Senator DIXON. Who?

Mr. COOPER. Major Reynolds.

Senator DIXON. Did you ever get any help?

Mr. COOPER. No, sir.

Senator DIXON. Did you ever ask agents prior to his time to give you employment to start farming?

Mr. COOPER. Yes, sir.

Senator DIXON. Who?

Mr. COOPER. Major Edwards.

Senator DIXON. Did he give you any then?

Mr. COOPER. Yes, sir; I got some help from him.

Senator DIXON. Who did you get?

Mr. COOPER. I got a mowing machine and a rake.

Senator DIXON. What did you do with them?

Mr. COOPER. They are out on the ranch where my place is.

Senator DIXON. Did you ever use them?

Mr. COOPER. Yes, sir.

Senator DIXON. On your ranch?

Mr. COOPER. Yes, sir.

Senator DIXON. On this 2½ acres that you cultivated?

Mr. COOPER. On that 2 acres that I spoke of was a garden.

Senator DIXON. Did you ever cultivate any more of this 1,520 acres except the 2½ acres in garden?

Mr. COOPER. I have got hay.

Senator DIXON. Wild hay?

Mr. COOPER. Yes, sir.

Senator DIXON. Did you have a wagon then?

Mr. COOPER. Yes, sir.

Senator DIXON. Where is that wagon now?

Mr. COOPER. It is there.

Senator DIXON. Did you work any last year in October?

Mr. COOPER. Worked every chance I got to work.

Senator DIXON. How many days did you work last year?

Mr. COOPER. I could not tell you that.

Senator DIXON. Approximately.

Mr. COOPER. I could not say as to that.

Senator DIXON. Who did you work for?

Mr. COOPER. I can not say that I worked for anyone in particular.

Senator DIXON. I want to know how much work you did last year. Did you earn any money last year at work?

Mr. COOPER. Yes, sir; I tried to get work all the time, but I can not get work.

Senator DIXON. Was a railroad company being constructed right through that part of the country?

Mr. COOPER. No, sir; it was not.

Senator DIXON. Was there not an immense amount of work around Billings? Was not the Government irrigation ditch that cost three quarters of a million dollars being dug right below your place, where teams and men were wanted every day at $5 a day for man and team? Is that true?

Mr. COOPER. On the reservation?

Senator DIXON. Just below, on the ceded portion of the reservation.

Mr. COOPER. I believe that to be right.

Senator DIXON. Did you work any last year; and if so, for whom and when? That is a question and it is easy to answer.

Mr. COOPER. I did not work for anybody, but I want it to be understood that I tried my best to get work.

Senator DIXON. And did not find any work to do for a whole year?

Mr. COOPER. Not for a whole year; yes, sir.

Senator DIXON. I am speaking of last year. Did you earn a single dollar by days work last year?

Mr. COOPER. Yes, sir; I did.

Senator DIXON. How much?

Mr. COOPER. I just said a minute ago that I could not tell you.

Senator DIXON. Can you not give us some idea?

Mr. COOPER. Well, I earned approximately $100 last year in labor.

Senator DIXON. Who paid you this money?

Mr. COOPER. Different ones.

Senator DIXON. Who are they?

Mr. COOPER. Indians.

Senator DIXON. What Indians?

Mr. COOPER. I got $30 at one time this winter for fixing up a dance house. I could not say what Indian in particular gave me that.

Senator DIXON. Thirty dollars for fixing up a dance house for the Indians to have their dances in?

Mr. COOPER. Yes, sir.

Senator DIXON. What other money have you earned in the last year besides this $30? What is your answer to that?

Mr. COOPER. As I said all along, I can not give it to you; that is, every individual whom I have worked for a day or two.

Senator DIXON. Give me a single man who you have worked for in the last year—the name of a single person.

Mr. COOPER. I worked for One Star, for one.

Senator DIXON. An Indian?

Mr. COOPER. Yes, sir.

Senator DIXON. A full blood?

Mr. COOPER. Yes, sir.

Senator DIXON. How long did you work for him, and how much did he pay you?

Mr. COOPER. Piecework.

Senator DIXON. What kind of work?

Mr. COOPER. Painting.

Senator DIXON. How much did he pay you for painting?

Mr. COOPER. Five dollars.

Senator DIXON. Who else now have you worked for in a year, where you have earned any money yourself?

Mr. COOPER. I have said that that is about all I know of that I worked for last year.

Senator DIXON. The year before last did you do any work?

Mr. COOPER. Yes, sir.

Senator DIXON. How much?

Mr. COOPER. Well, I worked for myself.

Senator DIXON. What doing?

Mr. COOPER. Supporting my family.

Senator DIXON. In what way; what kind of work?

Mr. COOPER. Legitimate work.

Senator DIXON. I want to know the special kind of work.

Mr. COOPER. Just farming, mostly.

Senator DIXON. On this 2½ acres?

Mr. COOPER. Yes, sir.

Senator DIXON. Nearly all of which you could irrigate by plowing a ditch 2 miles long?

Mr. COOPER. Yes, sir.

Senator DIXON. And yet you contributed $25 to Mrs. Grey to come to Washington to get your rights?

Mr. COOPER. Yes, sir.

Senator DIXON. What rights was Mrs. Grey going to get you in Washington, the right to work?

Mr. COOPER. She did not guarantee anything as to that.

Senator DIXON. Well, what kind of rights did you want that you had not got that she could get for you in Washington?

Mr. COOPER. The rights of liberty.

Senator DIXON. What kind of liberty?

Mr. COOPER. The same as a citizen.

Senator DIXON. You sent her down here to get you the rights of a citizen?

Mr. COOPER. Yes, sir.

Senator DIXON. What rights are they now, those rights that you speak of that you were not enjoying on your 1,500-acre ranch?

Mr. COOPER. I gave two instances to show. I have been arrested for leaving the reservation and not doing as I wanted to do.

Senator DIXON. You know, Mr. Cooper, a man who has lived on an Indian reservation since he was 10 years of age, that the agent has not only the right but he is instructed by the Department to take up and arrest Indians who leave the reservation without permit. Is that right? Did you or did you not know that at the time?

Mr. COOPER. I did not know it, sir.

Senator DIXON. How did you know, then, that you would be arrested if you left; how did you know that this was a right that you wanted to obtain if you did not know it when you were arrested, when you started to come to Washington?

Mr. COOPER. Well, it is not always a case of arresting through regulations; in many instances it is just sheer force.

Senator DIXON. At the time that you started to leave the reservation without a permit and come to Washington with Mrs. Grey to get

your rights you left your family in destitute circumstances for something to eat at that time, did you not?

Mr. COOPER. No, sir.

Senator DIXON. Who was furnishing them with something to eat at that time?

Mr. COOPER. My family?

Senator DIXON. Yes.

Mr. COOPER. I was.

Senator DIXON. Has not George Pease practically maintained your family—your half brother?

Mr. COOPER. No, sir; he has not.

Senator DIXON. Has he not contributed anything?

Mr. COOPER. No, sir.

Senator DIXON. But having earned $300 all of last year you were going to invest enough of that to come to Washington and get your rights.

Mr. COOPER. Yes, sir.

Senator DIXON. What other rights did you come after that Mrs. Grey was going to get for you?

Mr. COOPER. That was sufficient—citizenship.

Senator DIXON. Would it not have been a more profitable investment for you to have worked your ranch and raised something to support your family with than to have contributed what money you have earned toward coming to Washington to get your rights, the rights of citizenship?

Mr. COOPER. No; I do not think so.

Senator DIXON. You read and write, do you not?

Mr. COOPER. Yes, sir.

Senator DIXON. You write a very good hand, do you not?

Mr. COOPER. I am not the judge of that.

Senator DIXON. Did you write a petition and send it down here to the Indian Committee some time ago?

Mr. COOPER. Yes, sir; to Mr. Matthew K. Sniffen.

Senator DIXON. You wrote it to the Indian Rights Association?

Mr. COOPER. Yes, sir.

Senator DIXON. Did you compose that yourself, or did you copy something that some one else had sent you?

Mr. COOPER. It was original.

Senator DIXON. You spoke in this petition of something about "squaring the circle."

Mr. COOPER. Yes, sir.

Senator DIXON. You know about that, do you?

Mr. COOPER. Yes, sir.

Senator DIXON. Where did you learn about how to square a circle?

Mr. COOPER. Well, I know something about mathematics, and that is why I made that expression.

Senator DIXON. And yet a man, with a 1,500-acre ranch and a good education enough to understand how to square a circle, worked last year and earned $30 during the whole season. What is your mission here now, Mr. Cooper?

Mr. COOPER. I am sent here by the Indians.

Senator DIXON. For what purpose?

Mr. COOPER. That protest that you just spoke of, in behalf of that.

Senator DIXON. Against opening the reservation?

Mr. COOPER. Yes, sir.

Senator DIXON. You came down here to protest against the opening of the Crow Reservation?

Mr. COOPER. Not that alone, but others with it.

Senator CURTIS. What do you mean by others with it?

Mr. COOPER. There were two bills, the opening and also the horse bill that has been introduced.

Senator DIXON. You do not want the reservation opened; is that what you want the committee to understand? Do you or do you not want the reservation opened?

Mr. COOPER. No, sir.

Senator DIXON. You prefer to keep it yourself, do you?

Mr. COOPER. Yes, sir.

Senator DIXON. You have not got land enough there to farm as it is, have you?

Mr. COOPER. That is, not yet, Mr. Dixon.

Senator DIXON. Would it not be better to sell some of this surplus land, amounting to nearly 2,000,000 acres, and get some money with which to improve 1,500-acre irrigated ranch that you say you have moved off of and left because you have nothing to improve it with? What is your answer to that?

Mr. COOPER. Well, the horse bill would not include my rights at all.

Senator DIXON. I am talking about the opening of the reservation and selling this surplus land so that the Indians could get some surplus land that is allotted to them, as in your case.

Mr. COOPER. Yes; I believe it would.

Senator DIXON. Then, why are you opposed to the opening of the reservation?

Mr. COOPER. I oppose it in this way, that I would have the say of how I would spend that money.

Senator DIXON. You do not want the Government to place any restrictions on you in the matter of spending your money?

Mr. COOPER. That is not it; it is this horse bill.

Senator DIXON. Oh, you are agreeable to the opening of the reservation, then, except the horse bill?

Mr. COOPER. I could not say I am agreeable, because I have not given that a thought. I have not considered that very seriously at this time.

Senator DIXON. Well, are you or not against the opening of the surplus lands and selling them?

Mr. COOPER. Yes, sir.

Senator DIXON. For what reason? That is what I want to know.

Mr. COOPER. I have nothing in particular to oppose it for any more than it belongs to us, and we would like to keep it.

Senator DIXON. You have already 1,500 acres allotted to yourself and your family?

Mr. COOPER. Yes, sir.

Senator DIXON. Is that not ten times more than you are able to cultivate?

Mr. COOPER. Only a small portion of that is mine; I can not consider that 1,500 acres as mine.

Senator DIXON. How much of it is yours?

Mr. COOPER. Three hundred and twenty acres.

Senator DIXON. You are against the horse bill, you say, also?

Mr. COOPER. Yes, sir.

Senator DIXON. Do you know what the horse bill means? Have you read it?

Mr. COOPER. I read it some time ago.

Senator DIXON. You were present at the council that Major McLaughlin convened of the Crow Indians?

Mr. COOPER. The last evening that he was there.

Senator DIXON. Did he explain the provisions of the horse-breeding farm to you?

Mr. COOPER. Not to me.

Senator DIXON. Did he to the council?

Mr. COOPER. I do not believe so when I was there.

Senator DIXON. Now, why are you opposed to taking part of that reservation and having the Indians use it for the purpose of breeding horses for the Army? Why are you opposed to it?

Mr. COOPER. Well, as I said in that petition, that is the only explanation I can give.

Senator DIXON. Now, just explain to this committee why you are opposed to the horse-breeding proposition.

Mr. COOPER. It covers not only the mere purpose of horse raising, but it covers other things which we oppose.

Senator DIXON. What other things.

Mr. COOPER. For instance, it says "and for other purposes." That is one objection. Also, any money to our credit at this time can be used for this purpose.

Senator DIXON. And you want to spend all the money yourself without any restrictions from the Department at Washington?

Mr. COOPER. I did not say that.

Senator DIXON. Well, do you or do you not?

Mr. COOPER. I wish to, sir.

Senator DIXON. You wish to?

Mr. COOPER. Yes, sir.

Senator DIXON. You do not want the Department to handle any of your money?

Mr. COOPER. I am speaking for myself; yes, sir.

Senator DIXON. You think that is a bad policy.

Mr. COOPER. I could not say it is a bad policy, but I can use my money much better than anybody else can use it for me; at least that has been my experience.

Senator DIXON. Have you ever had any allotted land sold that you had the benefit of?

Mr. COOPER. Yes, sir.

Senator DIXON. How much?

Mr. COOPER. Six hundred dollars.

Senator DIXON. When was that?

Mr. COOPER. About ten years ago.

Senator DIXON. What did you do with that $600?

Mr. COOPER. I used it up.

Senator DIXON. In what way.

Mr. COOPER. In general.

Senator DIXON. In what way? Did you buy farming implements?

Mr. COOPER. I bought a team and a wagon for one item, and harness.

Senator DIXON. What did you do with them?

Mr. COOPER. Well, in time they wore out, and the horses died off.

Senator DIXON. Did both of the horses die?

Mr. COOPER. Yes, sir.

Senator DIXON. What did you pay for the team and wagon and harness?

Mr. COOPER. It cost me in the neighborhood of $300.

Senator DIXON. What did you do with the other $200 from the sale of your allotted land?

Mr. COOPER. I gave my mother $100.

Senator DIXON. And the other $200?

Mr. COOPER. I also gave another $100 to my sister.

Senator DIXON. And the other $100?

Mr. COOPER. The other I gave to my wife to spend for herself.

Senator DIXON. And the buildings that you had on your ranch, the agent gave them to you, did he not; made you a present of them, did he not?

Mr. COOPER. Which agent?

Senator DIXON. Becker.

Mr. COOPER. No, sir; he gave me a building that I never got, at another place.

Senator DIXON. Did not Major Becker give you a house and a barn and a corral?

Mr. COOPER. He did, but I say that I never received it.

Senator DIXON. Why not?

Mr. COOPER. Because it was some 70 miles from my place.

Senator DIXON. Why did you tell Senator Clapp about burning the corral there?

The CHAIRMAN. No; he was talking then, as I understood, about his place.

Senator DIXON. Did you not have a house and a barn and a corral on your own fifteen hundred allotment?

Mr. COOPER. What made me speak so because you mentioned about Major Becker. He did give me a written permit for a certain house, which I have yet. It is that house that I say I did not get.

Senator DIXON. Where did you get the house that burned down on your place?

Mr. COOPER. It was an old ranch. It was an old I. D.—I. D. for dog ranch.

Senator DIXON. What do you mean by I. D.?

Mr. COOPER. That is a cattle brand.

Senator DIXON. That was presented to you?

Mr. COOPER. It was not presented to me.

Senator DIXON. Did you pay for it?

Mr. COOPER. I got that from Captain Stout, who had been agent when I moved into the house.

Senator DIXON. Did you pay him for it, or was it given to you?

Mr. COOPER. It was not one way or the other; nothing was said about the house any more than he gave me permit to go on Soap Creek, and I moved in the house.

Senator DIXON. What sort of a house was that?

Mr. COOPER. The house was originally 30 feet long.

Senator DIXON. How many rooms?

Mr. COOPER. Three.

Senator DIXON. Was there a barn with it?

Mr. COOPER. Yes, sir.

Senator DIXON. What kind of a barn?
Mr. COOPER. Just a common barn.
Senator DIXON. And a corral?
Mr. COOPER. And a corral; it was an old corral.
Senator DIXON. As matter of fact, you burned that corral up for firewood, did you not?
Mr. COOPER. Yes, sir; I did.
Senator DIXON. Instead of going out and getting wood in the timber land and hauling it there?
Mr. COOPER. It was not that; I wanted to get it off my place.
Senator DIXON. You burned up part of the farm, did you not?
Mr. COOPER. Yes, sir.
Senator DIXON. Did you burn up any part of the house for firewood?
Mr. COOPER. No, sir; I did not.
Senator DIXON. Nothing except the corral?
Mr. COOPER. Yes, sir; the corral.
Senator DIXON. Have you any suggestions to make to the committee about the opening of the reservation or the horse bill?
Mr. COOPER. I would very much wish to but I have been four days on the road and am not fit to speak at the present time. I am rather on a nervous strain.
Senator DIXON. You only have one-quarter Indian blood in you?
Mr. COOPER. Yes, sir.
Senator DIXON. You are three-fourths white?
Mr. COOPER. Yes, sir.
Senator DIXON. That is all.
Senator CURTIS. I would like to ask Mr. Cooper a question. Can you not make an arrangement with some one up there to fence your reservation of the crops? Can you not do it? Are there not men up there developing that country?
Mr. COOPER. There are none on the reservation.
Senator CURTIS. Do not men come on the reservation?
Mr. COOPER. There are not any at this time.
Senator CURTIS. Don't people want to run your ranches up there; are they not looking for places to raise crops?
Mr. COOPER. I am satisfied that there is that kind of people, but they are not on the reservation.
Senator CURTIS. Won't they come there if you try to get them—if you let them?
Mr. COOPER. I believe so.
Senator CURTIS. Do I understand you to state to the committee that all the land that you have developed on your whole allotments—that is, the allotments of your entire family—consist of only 2½ acres?
Mr. COOPER. Yes, sir.
Senator DIXON. And you have lived there how long?
Mr. COOPER. For ten years.
Senator CURTIS. What do you do with this land?
Mr. COOPER. It is unimproved land.
Senator DIXON. Grazing land?
Mr. COOPER. Yes, sir.
Senator CURTIS. It is all under irrigation, is it?
Mr. COOPER. No, sir.
Senator CURTIS. It is all susceptible to irrigation?

Mr. COOPER. Yes, sir; it is by putting in a ditch.

Senator DIXON. Does not your brother-in-law, George Pease, lease his ranch, within 5 miles of yours, for $1,200 a year, cash?

Mr. COOPER. Yes, sir; he gets a rental of $1,200 a year, but that is an improved ranch. It is one of the best on the Crow reservation.

Senator DIXON. What has prevented you from plowing and irrigating your reservation so that it will be valuable?

Mr. COOPER. For this reason, I have been hindered from getting work. I have on three different occasions asked Major Reynolds for a job, and he has not given it to me. That is why.

Senator DIXON. Is Major Reynolds the only man in that country who furnishes work?

Mr. COOPER. It is his place to give me this work when he can, when he can hire outside Indians and white men to do the same work that I can do.

Senator DIXON. Could you not for the last few years have gone down to the Big Horn ditch at Huntley and gotten work every day in the year for $2 a day?

Mr. COOPER. I have had experience for two years on ditch work and I do not care to take my family there any more.

Senator DIXON. Could you not have earned $2.50 every day last year if you had wanted to down on the Huntley ditch? Were not the contractors racking the country for men on this very ditch right there at your place?

Mr. COOPER. Yes, sir.

Senator DIXON. And yet you did not choose to go down there and earn that money?

Mr. COOPER. No, sir; I did not.

Senator DIXON. You would rather stay on the reservation and only make $30 all last year?

Mr. COOPER. I choosed to stay with my family regardless of $30 or any other amount.

Senator DIXON. But it was not so far that you could not have come back for a day. But you could not bear the separation from them from Monday to Saturday to earn $2.50 a day.

Mr. COOPER. I did not say that.

Senator DIXON. How far do you live from the agency?

Mr. COOPER. At present 20 miles.

Senator DIXON. How far from your ranch?

Mr. COOPER. Forty miles.

Senator DIXON. If you had gone up to the agency to work for Agent Reynolds you would have been away from your family?

Mr. COOPER. My family could have gone with me. That is the reason.

Senator PAYNTER. Is your father an Irishman?

Mr. COOPER. He is an Englishman; English descent.

Senator PAYNTER. Do you know anything about more cattle being pastured on the reservation there than were authorized to be pastured under the authority of the agent or whoever makes the contracts with the lessees?

Mr. COOPER. I am not posted as to that, any more than I have Mr. Dalby's report regarding those things.

Senator PAYNTER. You have no personal knowledge about it?

Mr. COOPER. No, sir.

Senator DIXON. Mr. Cooper, if this reservation could be opened and the surplus land sold and the money paid over to the Indians to be put in their own pockets, then you would have no objections to its being opened, would you?

Mr. COOPER. I would say that I have not given that a thought for myself personally. I know there are Indians there who are not capable of handling their own money, and there are others who are capable of handling their money.

Senator DIXON. I thought that was your objection, as stated a while ago, to the opening of the reservation because it did not give you the same rights with a white man to receive the money and handle it as you saw fit.

Mr. COOPER. Yes, sir; I spoke for myself.

Senator DIXON. That is your main objection to the proposition, is it?

Mr. COOPER. My main objection was that our money should be spent in connection with this horse ranch.

Senator DIXON. But if it was not converted into the horse ranch you would have no objection to it.

Mr. COOPER. It would lessen my prejudice.

Senator DIXON. What objection would you have if there was no horse ranch in connection with the opening of the reservation and you got your own money individually; would you have any objection then to selling the surplus land and having white settlers in there?

Mr. COOPER. Again speaking for myself, I would; I am not speaking for the Indians.

Senator DIXON. Speaking for yourself, how would it be?

Mr. COOPER. I would.

Senator DIXON. Then what would be your objection?

Mr. COOPER. I would not have any objection.

Senator CURTIS. Would you want that $100 used in building the dam out of the Indians' money?

Mr. COOPER. I do not know the dam you speak of.

Senator CURTIS. I understand the object is to take $100 out of the proceeds and use it in building a dam up on the river so that 75,000 or 100,000 acres of that land opened up may be irrigated.

Mr. COOPER. This is my first knowledge of it. I never heard of that before.

Senator PAYNTER. Do you know anything about Charlie Bair keeping more sheep on the reservation than he was authorized to do under his permit?

Mr. COOPER. I have reason to believe that.

Senator PAYNTER. Give us what information you have about that; any personal information that you have.

Mr. COOPER. He had more sheep there, I believe, than he had a right to have.

Senator PAYNTER. Have you any information that you are able to give us as to how many sheep he did have on there?

Mr. COOPER. I thought maybe he had 69,000 head.

Senator PAYNTER. How far do you live from where these sheep were pastured on the reservation?

Mr. COOPER. They were scattered all over the reservation in that district I was on.

Senator PAYNTER. Did that interfere with the Indians cultivating their allotment?

Mr. COOPER. That may have been.

Senator DIXON. Mr. Cooper, at the time Major Reynolds arrested you when you started for Washington with Mrs. Grey, did he not at that time advise you to go home and go to work and not be giving your money to Mrs. Grey to come down here and hunt up imaginary rights?

Mr. COOPER. What particular time did you say?

Senator DIXON. The first time you were arrested?

Mr. COOPER. He told me to keep my hands off of the matter if I wanted to keep out of trouble, because Mrs. Grey had handed me a telegram to be sent to the Omaha Bee and to two other different papers, and Major Reynolds knew of it and he prevented me from sending it, telling me that I would get into trouble.

Senator DIXON. Did he not tell you that you ought to come home and go to work and be looking after your family?

Mr. COOPER. I was at home at that time.

Senator DIXON. But when you were arrested?

Mr. COOPER. I had no home when he arrested me.

Senator DIXON. Did Major Reynolds give you any advice at that time about going home and looking after your family and going to work instead of coming to Washington?

Mr. COOPER. Yes, sir; he did.

Senator DIXON. But you preferred the trip to Washington?

Mr. COOPER. This was afterwards.

Senator DIXON. As a matter of fact the Indians all like to come down to Washington; they like to make a trip down here, do they not? Is it not rather a favorite pastime with the Indians to make a trip to Washington?

Mr. COOPER. It may be with the Indians, but it is not with me.

Senator. DIXON. You do not count yourself an Indian?

Mr. COOPER. I count myself an Indian, but I do not count it a pleasure to come here. I have had a struggle to get here.

The witness was thereupon excused, and the committee thereupon adjourned until to-morrow, Tuesday, April 7, 1908, at 10 o'clock a. m.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
April 7, 1908.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (chairman), Sutherland, Curtis, Brown, Dixon, Stone, and Paynter.

The CHAIRMAN. Do you want to make some further statements, Mr. Cooper?

Mr. COOPER. I should like to.

STATEMENT OF JOE COOPER—Resumed.

Mr. COOPER. I wish to make this statement this morning, in regard to my income and my earnings, which was not prepared yesterday, but last night I prepared it, and they made a memorandum of it.

The CHAIRMAN. Yes.

Mr. COOPER. Shall I present it to you?

The CHAIRMAN. Yes. Do you want to file this or read it and have it go into the record?

Mrs. GREY. Read it.

The CHAIRMAN. You can read it.

Mr. COOPER (reading):

McMillan Fur and Wool Company, about $75 for fur; built a ditch for White Hip Horse, and got two horses and one steer; sold the steer for $30 and one horse for $20; painted house for One Star, $5, and one for Bread, $3; work for Frank Gordon, about $60; work for Government, about $50; moving house for George Pease, twenty-odd dollars; A. M. Stevenson, $6, labor; sold Mr. F. M. Heinrich three steers for $160; built one house for Scratch His Face, got two ponies, sold one for $10 and the other for $25; fees from Government as witness, about $70; shipped one cow through Agent Reynolds, about $46; building on dance house, $30; Frank Henry, pay for fence on my place, $100.

The CHAIRMAN. Does that complete your statement?

Mr. COOPER. Yes; as nearly as I could according to my recollection, sir.

The CHAIRMAN. Is there any further statement you want to make?

Mr. COOPER. I would like to make some statements in regard to Mr. Dalby's report.

The CHAIRMAN. Well, you may proceed.

Mr. COOPER. I would have to look over Mr. Dalby's report.

The CHAIRMAN. You have a copy of it.

Mr. COOPER. Yes, sir; I have.

The CHAIRMAN. Very well; go ahead.

Mr. COOPER. What I speak of in this connection—may I repeat his own words from it?

The CHAIRMAN. From his report?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Yes; of course.

Mr. COOPER (reading):

There may be some slight criticism of the failure to pay for the temporary use of the range last summer while waiting for shearing, but under the circumstances the equitable charge for this privilege would have been very small, and in my opinion it was more than offset by the advantage to the Indians from the presence of the shearing plant. There were probably 24,000 sheep on the range for two months. At 20 cents per head per annum this would be $800. But a large proportion of these sheep were on allotted lands for which satisfactory settlement was made with the allottees. The removal of the shearing plant was, in my opinion, a misfortune for the Indians; they could well have afforded to pay a reasonable bonus to retain it.

I will make this statement, that Mr. Bair has been on my place and I have never received 1 cent pay for use of my place.

The CHAIRMAN. When was he on your place?

Mr. COOPER. Two years ago this winter.

The CHAIRMAN. When you say he was on your place you mean his stock was grazing on your land?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How many head of stock were there on your land?

Mr. COOPER. He had from two to four bands at times on my place.

The CHAIRMAN. Of sheep?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How many in a band?

Mr. COOPER. There are generally 3,000, I believe.

The CHAIRMAN. You mean to say that he had from two to four bands at one time on your place?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Well, how long were they grazing on your land?

Mr. COOPER. They were there long enough to eat up the range, and then left.

The CHAIRMAN. Well, about how long?

Mr. COOPER. About two months.

The CHAIRMAN. About two months?

Mr. COOPER. Yes, sir.

The CHAIRMAN. You never received any pay for it?

Mr. COOPER. No, sir.

The CHAIRMAN. Did you ever ask for any pay?

Mr. COOPER. I went into an agreement with Mr. Bair—verbal.

The CHAIRMAN. You made a verbal agreement with Mr. Bair?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How much was he to pay you under that agreement?

Mr. COOPER. He was to take out a ditch for me and do other improvements on my place; and he made this statement in the presence of Major Reynolds at Lodgegrass.

The CHAIRMAN. Well, how long a ditch was he to take out?

Mr. COOPER. He said he would have that surveyed and see to that.

The CHAIRMAN. Well, about how long would it naturally be?

Mr. COOPER. We had it surveyed; it is a little over 2 miles.

The CHAIRMAN. Well, did you ever demand afterwards that he do this?

Mr. COOPER. No, sir; I did not.

The CHAIRMAN. Have you ever called the agent's attention to this agreement?

Mr. COOPER. No, sir; I have not.

The CHAIRMAN. What would you call the improvements that Bair was to make worth, approximately?

Mr. COOPER. Well, that ditch would probably cost in the neighborhood of $500 or $600.

The CHAIRMAN. What other things was he to do?

Mr. COOPER. Fence up my place.

The CHAIRMAN. Fence your land?

Mr. COOPER. Yes, sir.

The CHAIRMAN. All of it?

Mr. COOPER. Yes, sir.

The CHAIRMAN. What would that have been worth, approximately?

Mr. COOPER. That would be $600 or $700 at least.

The CHAIRMAN. That was a year ago last summer?

Mr. COOPER. Two years ago this winter.

The CHAIRMAN. Two years ago this winter?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Well, go on.

Mr. COOPER. He has voluntarily made this himself—not on my part, but he has come to me and made this proposition; and he went on to state that he was on the reservation more for charity than he was there for what he could get out of the Indians, and that he wanted to do all this. I stated to Mr. Bair at the time that I did not wish for any charity from him, but if he could see himself clear in fencing my place and putting in the ditch so that in years to come he could get his money out of it, that it was agreeable to me.

The CHAIRMAN. In this talk with him was there any time set in which he was to make these improvements?

Mr. COOPER. It was understood the following summer.

The CHAIRMAN. The following summer?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Right here—when did you take your allotment out there; how long ago?

Mr. COOPER. The 8th day of April, 1898.

The CHAIRMAN. When did you get your trust patent?

Mr. COOPER. I haven't got it yet, sir.

The CHAIRMAN. When did your wife take her allotment?

Mr. COOPER. At the same time.

The CHAIRMAN. Now, you have nine children living who have allotments?

Mr. COOPER. Yes, sir.

The CHAIRMAN. When did they take their allotments?

Mr. COOPER. There were seven of them who took them out at the same time.

The CHAIRMAN. Seven?

Mr. COOPER. Yes, sir. I have had two children born to me since I have taken my allotments, who are not allotted at this time.

The CHAIRMAN. When were those children allotted that were born subsequently?

Mr. COOPER. The seven?

The CHAIRMAN. The two. You say that seven of them took their allotments at the same time your wife and you took your allotments, and two were born since.

Mr. COOPER. I have not made any selections yet for those two children.

The CHAIRMAN. There has been no selection made yet for those two children?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Go on. I just wanted this for a particular purpose.

Mr. COOPER. In that connection I would state again that I came under the Dawes bill, and now the papers are at the agency, and I presume I will come under the Burke law.

The CHAIRMAN. That is the Burke amendment?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Do you complain of that?

Mr. COOPER. I do, sir.

The CHAIRMAN. Well, go on. I just wanted this for my own use. Just one question more. Do you know of any other Indians out there who made their selections prior to 1906 and who complain now against taking their trust patents under the Burke amendment?

Mr. COOPER. Yes, sir. There are some that are objecting to it.

The CHAIRMAN. Is that objection very general?

Mr. COOPER. I believe it is, sir.

The CHAIRMAN. Well, go on now with your statement.

Mr. COOPER. Excuse me for a time. I would like to look over the report a minute.

(Reading from Mr. Dalby's report:)

In August, 1906, Mr. Heinrich made an agreement with the Indians having allotments of grazing lands between West Soap Creek and the Big Horn and south of Old Fort C. F. Smith Military Reservation, in the territory just to the north of his regular

permit territory, by which he was to run cattle upon these lands. He was to complete the fencing of this general district into one large pasture, which would include not only these allotments but a small proportion of unallotted lands as well. The Indians were to continue to graze their own stock, both horses and cattle, upon these lands as heretofore. Each allottee was to receive from Mr. Heinrich $5, and in case he had any fenced pastures or cultivated lands he was to receive more in consideration of the risk of damage to these. This arrangement was made through Carl Leider, who acted as the agent for Mr. Heinrich both in securing the agreement and in making the resulting payments to the Indians. Under this agreement Heinrich paid, through Carl Leider, to the various Indians interested, $1,000, and at various times beginning in October, 1906, he put about 1,000 head of cattle upon these lands.

I want to state here that when Mr. Heinrich went into the deal with me for the fence across my place, there was no mention of cattle in consideration for the $100 that he paid me.

The CHAIRMAN. When did he make the arrangement with you about a fence across your place?

Mr. COOPER. It was the 23d day of September, a year ago.

The CHAIRMAN. 1907 or 1906?

Mr. COOPER. 1906.

The CHAIRMAN. 1906?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Is that the $100 that you testified yesterday you received from him that year?

Mr. COOPER. Yes, sir; and my understanding at the time was that he was to have that for just one year.

The CHAIRMAN. Well, was he to put this fence there?

Mr. COOPER. Across my place?

The CHAIRMAN. Yes.

Mr. COOPER. Yes, sir.

The CHAIRMAN. Which side of your place?

Mr. COOPER. Just about half way—that is, through the middle.

The CHAIRMAN. Well, then, that would leave part of your land inside of what he was going to use, would it not?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Was he to pay for the use of that land?

Mr. COOPER. I suppose that the $100 included my land; for the fence and the use of what was under the fence.

The CHAIRMAN. This fence that he was to build would be part of a continuous fence for him?

Mr. COOPER. Yes, sir.

The CHAIRMAN. That is what I supposed.

Mr. COOPER. Yes, sir.

The CHAIRMAN. And the $100 was to include the use of the land on the side of the fence next to where he was pasturing, was it not?

Mr. COOPER. He was just to use the side that he paid for.

The CHAIRMAN. Well, that would be the side next to the lands that he was pasturing on.

Mr. COOPER. Yes, sir.

The CHAIRMAN. Now, he paid you $100?

Mr. COOPER. Yes, sir; he paid me $100.

The CHAIRMAN. Well, that agreement was made in September, 1906?

Mr. COOPER. Yes, sir.

The CHAIRMAN. When was the fence built?

Mr. COOPER. It was built the next day.

The CHAIRMAN. How long a fence was that?

Mr. COOPER. Just through my place.

The CHAIRMAN. Well, about how long was that fence—a quarter of a mile, half a mile, or how long?

Mr. COOPER. It is fully half a mile, and connected onto part of a fence that I had on my place.

The CHAIRMAN. When Bair pastured his sheep on that land, on which side of the fence was he—the same side that Henry was using?

Mr. COOPER. There was no fence there at that time.

The CHAIRMAN. That was after the Bair transaction, then?

Mr. COOPER. Yes, sir; up to this time I have not had any pay for this year. I let him have it with the understanding that he was to have it for one year.

The CHAIRMAN. Did he pasture there this last winter?

Mr. COOPER. Yes, sir.

The CHAIRMAN. What do you call the pasture season, summer or winter?

Mr. COOPER. I guess it is both winter and summer.

The CHAIRMAN. Winter and summer?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Well, when did he pay you the $100?

Mr. COOPER. On the 24th day of September, 1906.

The CHAIRMAN. 1906?

Mr. COOPER. Yes, sir.

The CHAIRMAN. He has not paid you anything since?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How much?

Mr. COOPER. He has not paid me anything since.

The CHAIRMAN. Oh, he has not paid you anything since?

Mr. COOPER. No, sir.

The CHAIRMAN. Did he pasture there last winter and last summer?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Has he pastured there any during this past winter?

Mr. COOPER. Yes, sir.

The CHAIRMAN. How many head has he had there?

Mr. COOPER. He has had a good many head there.

The CHAIRMAN. Well, approximately?

Mr. COOPER. I could not say approximately how many cattle he has.

The CHAIRMAN. Anything further?

Mr. COOPER. I wish to make a statement regarding Mr. Dalby, in regard to the Indians' immorality.

The CHAIRMAN. Go ahead.

Mr. COOPER. We consider that to be a gross insult toward us as a nation.

The CHAIRMAN. You refer to his statement in his report of the immoral character of the Crows?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Well, go on.

Mr. COOPER. While I will admit that there are such things, but when he makes no exceptions to that we take sides to the issue.

The CHAIRMAN. Well, anything more.

Mr. COOPER. I believe that will be all, sir.

The CHAIRMAN. Now, I would like to ask you one question in regard to the complaints which the Indians make who took their allotment selections some time ago, and now complain that they receive the patents under the Burke amendment. What is the ground for their complaint; why do they object to the patents under the Burke amendment?

Mr. COOPER. It cuts us off from the privilege of becoming a citizen.

The CHAIRMAN. That is all. Senator Dixon, have you any questions you desire to ask this witness?

Senator DIXON. You say Charley Bair pastured his cattle on your place two years ago?

Mr. COOPER. Yes, sir.

Mr. DIXON. Was your place fenced where he pastured his sheep?

Mr. COOPER. No, sir; it was not fenced.

Senator DIXON. It was lying out in the open?

Mr. COOPER. Yes, sir.

Senator DIXON. Did he pasture his sheep on all your place, or only part of it?

Mr. COOPER. I guess all of it, sir.

Senator DIXON. You had none of your place fenced?

Mr. COOPER. No, sir.

Senator DIXON. Not even your 2½ acres of garden—didn't you have that fenced?

Mr. COOPER. I believe it was fenced at the time.

Senator DIXON. Then all your place was lying out in the open except the 2½ acres that were used for a garden?

Mr. COOPER. Yes, sir.

Senator DIXON. How many acres did Bair pasture that you claim were your allotments?

Mr. COOPER. I claim he had the privilege to run all over my place.

Senator DIXON. About how many acres all together?

Mr. COOPER. One thousand five hundred and sixty acres.

Senator DIXON. And for that season's pasturage he was to dig a ditch, to cost from $500 to $600, and fence the place at a cost of from $600 to $700?

Mr. COOPER. Did I understand you to say for one year?

Senator DIXON. That is what I understand.

Mr. COOPER. I couldn't say that.

Senator DIXON. Well, what was this agreement?

Mr. COOPER. The agreement was that if he could see himself through, he could have my place. There was no time set as to the lease.

Senator DIXON. Was it to lease it one year or twenty years?

Mr. COOPER. We hadn't come to that part of it at this time.

Senator DIXON. Well, you had come to the price he was to pay for it?

Mr. COOPER. Yes; but we had not come to the time he could have my place.

Senator DIXON. You had agreed on the price, but not on the time?

Mr. COOPER. Yes, sir.

Senator DIXON. That is a queer kind of a contract, isn't it, to make with a man?

Mr. COOPER. I may have been possibly mistaken in your saying.

Senator DIXON. Mistaken in what?

Mr. COOPER. In the question that you put to me.

Senator DIXON. Well, you had agreed on what Bair should do—dig a ditch at a cost of $500 or $600, and put a fence around it which would cost $600 or $700.

Mr. COOPER. Well, Mr. Bair simply made the statement to me what he would do for me, more in the nature of charity; that was the impression he left with me at this time.

Senator DIXON. In the nature of charity?

Mr. COOPER. Yes, sir.

Senator DIXON. Why was he going to be so charitable as to spend $1,100 or $1,200 or $1,300 for you?

Mr. COOPER. Well, sir, I do not understand that.

Senator DIXON. Then it was not in the nature of a trade, but it was a matter of charity?

Mr. COOPER. I could not say that, sir.

Senator DIXON. When your house burned down two years ago—or when was it that your house burned?

Mr. COOPER. The 8th day of April; this past April.

Senator DIXON. A year ago.

Mr. COOPER. Yes, sir.

Senator DIXON. The agent and Inspector Dalby offered at that time, if you would cut logs to rebuild the house, that they would give you the flooring and the shingles and help build it, did they not?

Mr. COOPER. Mr. Dalby did, but not Major Reynolds.

Senator DIXON. But nevertheless you preferred to move several miles away from your place instead of going to work cutting logs to to rebuild your house?

Mr. COOPER. Yes, sir.

Senator DIXON. How far would you have to haul those logs?

Mr. COOPER. In the neighborhood of 20 miles.

Senator DIXON. Twenty miles.

Mr. COOPER. In the neighborhood of 20 miles.

Senator DIXON. How many wagonloads would it have taken?

Mr. COOPER. I could not say as to that; it all depends on the size of the house.

Senator DIXON. Well, for a three-room house, the same as you had?

Mr. COOPER. Well, it would take at least twenty loads.

Senator DIXON. Twenty loads?

Mr. COOPER. Yes, sir.

Senator DIXON. You made no effort whatever to build a house during the last year?

Mr. COOPER. I had no way of making an effort.

Senator DIXON. You built a house for some other man during the meantime, you say?

Mr. COOPER. Yes, sir.

Senator DIXON. Who was that?

Mr. COOPER. Scratch His Face.

Senator DIXON. What kind of a house did you build for Scratch His Face?

Mr. COOPER. A log house.

Senator DIXON. How many rooms?

Mr. COOPER. Two rooms.

Senator DIXON. How long did it take you to build it?

Mr. COOPER. I was some twenty-odd days building it.

The CHAIRMAN. Now, I would like to ask you one question in regard to the complaints which the Indians make who took their allotment selections some time ago, and now complain that they receive the patents under the Burke amendment. What is the ground for their complaint; why do they object to the patents under the Burke amendment?

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Senator DIXON. How many rooms?

Mr. COOPER. Two rooms.

Senator DIXON. How long did it take you to build it?

Mr. COOPER. I was some twenty-odd days building it.

Senator DIXON. You worked for the Government $50 worth last year?

Mr. COOPER. Yes, sir; more or less.

Senator DIXON. Then Agent Reynolds did give you some work for the Government last year, did he?

Mr. COOPER. I didn't get it personally from him; I got it from the farmer on my district.

Senator DIXON. Well, it was the same thing—he was under Major Reynolds's control, was he not?

Mr. COOPER. Yes, sir.

Senator DIXON. That is all I want to ask him.

Senator PAYNTER. I want to ask Mr. Cooper a question.

The CHAIRMAN. Go ahead.

Senator PAYNTER. What time does the grass begin to grow out in that country?

Mr. COOPER. The grass was started when I left.

Senator PAYNTER. And this is April?

Mr. COOPER. Yes, sir.

Senator PAYNTER. What time do your cattle and sheep live on it without hay?

Mr. COOPER. About May; that is for grass, new grass.

Senator PAYNTER. Can they, after the 1st of April, live on the old and new grass without feeding the sheep and cattle?

Mr. COOPER. Yes, sir.

Senator PAYNTER. Do they feed hay there until the middle of June?

Mr. COOPER. No, sir.

Senator PAYNTER. Did you see Bair's sheep on the reservation—I suppose it was last year that was?

Mr. COOPER. Yes, sir.

Senator PAYNTER. Have you sufficient knowledge of the number so as to be able to express an opinion as to how many were on the reservation?

Mr. COOPER. I believe, according to the best of my knowledge, 50,000 or 60,000.

Senator PAYNTER. Where did Bair usually have them sheared?

Mr. COOPER. At Garyowen.

Senator PAYNTER. Is that on the reservation?

Mr. COOPER. Yes, sir.

Senator PAYNTER. Were they sheared on the reservation last year?

Mr. COOPER. No, sir; they were not.

Senator PAYNTER. Where were they sheared—do you know?

Mr. COOPER. I believe they were sheared in Waco, on the Northern Pacific.

Senator PAYNTER. Do you know why they were taken there for that purpose?

Mr. COOPER. Because he had moved his shearing plant to that place, at Waco.

Senator PAYNTER. Well, do you know anything about any of the employees of the Government there having their own stock, outside of milch cows and horses?

Mr. COOPER. Yes, sir.

Senator PAYNTER. How many cattle and sheep did you ever see on that reservation belonging to employees of the Government?

Mr. COOPER. I could not say as to sheep, but there have been cattle.

Senator PAYNTER. To whom did they belong?

Mr. COOPER. To the different employees.

Senator PAYNTER. Well, during Major Reynolds's administration, for instance?

Mr. COOPER. Yes, sir.

Senator PAYNTER. What employees of the Government had their cattle on there during Major Reynolds's administration?

Mr. COOPER. Mr. Connolly, who is a farmer, is one of them.

Senator PAYNTER. How many cattle did he have on there?

Mr. COOPER. I do not know how many he has on; he has a lot of cattle.

Senator PAYNTER. If he had just a few, I do not want to know about that.

Mr. COOPER. He has more than that.

Senator PAYNTER. How many would you say?

Mr. COOPER. I have no idea how many he has got, because he is off my district. It is pretty hard to ascertain the number of cattle, even from cattlemen, because they do not tell what their holdings are; not as a rule.

Senator PAYNTER. What time in the winter do they commence feeding hay to cattle and sheep?

Mr. COOPER. That has a good deal to do with the weather.

Senator PAYNTER. Well, usually?

Mr. COOPER. About December.

Senator PAYNTER. What time usually do they quit feeding hay to cattle?

Mr. COOPER. This month, sir.

Senator PAYNTER. In April?

Mr. COOPER. Yes, sir.

Senator PAYNTER. In the early part or middle or last of April—what time during the month?

Mr. COOPER. The early part of it.

Senator PAYNTER. The early part of it?

Mr. COOPER. Yes, sir.

Senator PAYNTER. That is all I desire to ask, I believe.

Senator DIXON. Did you see this man Connolly's cattle, the farmer you spoke of?

Mr. COOPER. I have seen Mr. Connolly; yes, sir.

Senator DIXON. His cattle you were just telling Mr. Paynter about—did you see them yourself, or did you just hear of them?

Mr. COOPER. I heard of them.

Senator DIOXN. Of your own knowledge, then, you do not know whether he has any or not?

Mr. COOPER. I am more or less satisfied; yes, sir.

Senator DIXON. I say of your own knowledge?

Mr. COOPER. Yes, sir.

Senator DIXON. Did you ever see them?

Mr. COOPER. No, sir; not to know them.

The CHAIRMAN. When he said yes, he meant no, really—that of his own knowledge he did not know.

Senator DIXON. Then, as a matter of fact, you do not know of your own knowledge whether Connolly had any cattle or not?

Mr. COOPER. I am satisfied that he has.

Senator DIXON. Of your own knowledge, I say.

The CHAIRMAN. Do you know of your own knowledge whether he has any cattle there or not?

Mr. COOPER. No, sir.

Senator DIXON. This is merely what you heard some one else say?

Mr. COOPER. Yes, sir.

Senator DIXON. How far does Connolly live from where you live?

Mr. COOPER. Oh, about 18 miles.

Senator DIXON. You never saw any of Connolly's cattle yourself, did you?

Mr. COOPER. No, sir.

Senator DIXON. I want to ask another question. You said Charley Bair had from 50,000 to 60,000 head of sheep?

Mr. COOPER. Yes, sir.

Senator DIXON. Is this from your own knowledge, or what you heard somebody else say?

Mr. COOPER. To a great extent, my own knowledge, sir.

Senator DIXON. Did you ever count them?

Mr. COOPER. No, sir.

Senator DIXON. Did you ever count the bands?

Mr. COOPER. Yes, sir.

Senator DIXON. When?

Mr. COOPER. At different times.

Senator DIXON. What year?

Mr. COOPER. Last year, sir.

Senator DIXON. You went around and counted Bair's sheep?

Mr. COOPER. No, sir; I did not go around for the express purpose of counting them.

Senator DIXON. Did you count his sheep?

Mr. COOPER. No, sir. It is out of the question to count sheep.

Senator DIXON. Did you count the number of bands that he had?

Mr. COOPER. There were others who did count them.

Senator DIXON. Did you count the bands?

Mr. COOPER. No, sir.

Senator DIXON. How do you make the statement under oath that Bair had 50,000 or 60,000 sheep?

Mr. COOPER. I made it under oath according to the best of my knowledge.

Senator DIXON. That was based on what rumor you had heard, was it not?

Mr. COOPER. No, sir. What I have seen at different times of Charlie Bair's sheep is what I base my opinion on.

Senator DIXON. Did you ever see 50,000 or 60,000 of Charlie Bair's sheep there, yourself, at one time?

Mr. COOPER. At one time?

Senator DIXON. Yes.

Mr. COOPER. No, sir; because they do not have them in one band; they have them scattered.

Senator DIXON. Well, now, when you state to the committee that Charley Bair had 50,000 or 60,000 head of sheep, I want to know whether this is from your own knowledge or from rumor that you heard from somebody else?

Mr. COOPER. I have seen several different bands, and they are generally reputed to be 3,000 to the band. From that I have based my judgment as to the number.

Senator DIXON. There are how many to the band?

Mr. COOPER. Three thousand.

Senator DIXON. How many bands of Charley Bair's did you yourself ever see on the reservation at one time?

Mr. COOPER. About seven, sir.

Senator DIXON. Seven?

Mr. COOPER. Yes, sir.

Senator DIXON. Then your own knowledge would extend only to 21,000 sheep for Charley Bair?

Mr. COOPER. Yes, sir.

Senator DIXON. And the rest is what you heard other people say?

Mr. COOPER. Yes, sir.

Senator DIXON. That is all.

The CHAIRMAN. That is all unless you want to say something further.

Senator PAYNTER. Mr. Cooper, are you the president of a lodge out there?

Mr. COOPER. Yes, sir.

Senator PAYNTER. What lodge?

Mr. COOPER. It is known as the Crow Indian Lodge.

Senator PAYNTER. Well, did the members of your lodge suspect that Mr. Bair had more sheep on the reservation than he was entitled to keep?

Mr. COOPER. Yes, sir.

Senator PAYNTER. Did you appoint anybody to count the bands?

Mr. COOPER. Yes, sir.

Senator PAYNTER. At what place was the party stationed?

Mr. COOPER. At Fort Custer.

Senator PAYNTER. How many did he report to your lodge?

Mr. COOPER. Twenty-three bands.

Senator PAYNTER. Estimating 3,000 in a band?

Mr. COOPER. Yes, sir.

Senator PAYNTER. Well, were the sheep taken off there, removed from the reservation, at the time when complaint was being made that Bair had more sheep on the reservation than he was entitled to keep under his permit?

Mr. COOPER. Yes, sir.

Senator PAYNTER. About that time?

Mr. COOPER. About that time.

Senator CURTIS. What time of the year was it?

Mr. COOPER. Last year about this time or a little later.

Senator CURTIS. April or May, then?

Mr. COOPER. Yes, sir.

Senator PAYNTER. Where does Mr. Bair live?

Mr. COOPER. His residence is Billings.

Senator PAYNTER. Is he in the city here now, do you know?

Mr. COOPER. In town?

Senator PAYNTER. Is Bair in this city now, or do you know?

Mr. COOPER. I do not know.

Senator PAYNTER. That is all.

The CHAIRMAN. Senator Stone, would you like to ask this witness anything?

Senator STONE. Yes. Mr. Cooper, were these bands of 3,000 sheep separately herded?

Mr. COOPER. Yes, sir.

Senator STONE. Did each band have men to look after them?

Mr. COOPER. Yes, sir.

Senator STONE. How far apart were they scattered or separated?

Mr. COOPER. At certain times as near as 2 miles and farther.

Senator STONE. Two miles and farther apart?

Mr. COOPER. Yes, sir; just as the occasion would demand.

Senator STONE. Did you ever see the cattle of any other employee of the Government on this range besides the one man you have named, the farmer?

Mr. COOPER. There is another man, under the same circumstances, by the name of Van Hoose, over in Pryor Creek.

Senator STONE. Did you ever see any of his cattle on the range?

Mr. COOPER. No, sir.

Senator STONE. Did these two men, or either of them, have a recorded brand?

Mr. COOPER. I could not say as to that.

Senator STONE. Do you know what the brand of either was?

Mr. COOPER. No, sir; I do not.

Senator STONE. Are these the only two men employed by the Government who were running cattle on the range?

Mr. COOPER. There were others—Mr. Hill and Mr. Means.

Senator STONE. What do they do?

Mr. COOPER. They had a great many cattle.

Senator STONE. Yes—but what positions do they hold under the Government?

Mr. COOPER. Mr. Hill is an inspector, I believe—Indian inspector.

Senator STONE. Does he stay down there at the agency?

Mr. COOPER. Not now, he doesn't.

Senator STONE. Did he then?

Mr. COOPER. He used to, at times.

Senator STONE. A year ago?

Mr. COOPER. Not a year ago; but two years ago I think he was here.

Senator STONE. What position did the other man hold?

Mr. COOPER. He was a civil engineer.

Senator STONE. You mean in the irrigation work?

Mr. COOPER. Yes, sir; he was in charge of that work.

Senator STONE. What was his name?

Mr. COOPER. Howard Means.

Senator STONE. Did you see their cattle, or the cattle of either of them, on this range?

Mr. COOPER. Yes, sir; I have.

Senator STONE. Did they have brands?

Mr. COOPER. Yes, sir; they had a brand.

Senator STONE. Did these men have recorded brands?

Mr. COOPER. I believe that they had it recorded.

Senator STONE. Can you state what their brands are?

Mr. COOPER. It is known as a block. It is in the shape of a square.

Senator STONE. Did both run the same brand?

Mr. COOPER. Yes, sir; they were partners.
Senator STONE. They were partners?
Mr. COOPER. Yes, sir.
Senator STONE. How many cattle of that brand were on that range, to the best of your knowledge and belief?
Mr. COOPER. About 400, sir; 400 head.
Senator STONE. Upon what do you base that statement; what knowledge have you of the facts?
Mr. COOPER. From his foreman, for one.
Senator STONE. You mean to say that his foreman told you that they were running about 400 head?
Mr. COOPER. Yes, sir.
Senator STONE. Under the block brand?
Mr. COOPER. Yes, sir.
Senator STONE. When was that that these cattle were on the range?
Mr. COOPER. I think that was two years ago. They are still on the reservation, but they have been sold to Mr. Henry since.
Senator STONE. About how long has it been, if you know, since they were sold to Mr. Henry?
Mr. COOPER. As near as I can recollect, it was about two years ago that they were sold.
Senator STONE. And how long had they been running on the range prior to that?
Mr. COOPER. They had at least been on the reservation four or five years up to the time that he sold them.
Senator STONE. Now, there are four men holding public and official places whose names you have given as the owners of cattle on that range?
Mr. COOPER. Yes, sir.
Senator STONE. Can you recall any others?
Mr. COOPER. Yes, sir.
Senator STONE. Who?
Mr. COOPER. Major Reynolds.
Senator STONE. Major Reynolds?
Mr. COOPER. Yes, sir.
Senator STONE. While he was agent?
Mr. COOPER. Yes, sir.
Senator STONE. Did he have cattle on that range before he was appointed agent?
Mr. COOPER. No, sir.
Senator STONE. They were put on after his appointment?
Mr. COOPER. Yes, sir.
Senator STONE. Where did Major Reynolds live previous to his appointment as agent?
Mr. COOPER. Billings, Mont.
Senator STONE. He then moved down to the agency?
Mr. COOPER. Yes, sir.
Senator STONE. Did he bring his cattle down there about the same time?
Mr. COOPER. Yes, sir; shortly after he was appointed agent.
Senator STONE. What was his brand, if you know?
Mr. COOPER. His brand is known as Diamond X Diamond, also D X; there are two brands.
Senator STONE. Had he a partner?

Mr. COOPER. Yes, sir.

Senator STONE. In these cattle?

Mr. COOPER. Yes, sir.

Senator STONE. About how many cattle, if you can say, did Major Reynolds have on that range—he and his associate?

Mr. COOPER. About 300.

Senator STONE. How long did he keep that herd of cattle on the range?

Mr. COOPER. Well, some of the cattle are there until this day.

Senator STONE. Does he still own them?

Mr. COOPER. I could not say as to that.

Senator STONE. Is he understood to own them?

Mr. COOPER. Yes, sir.

Senator STONE. He still has the reputation at the agency of owning these cattle?

Mr. COOPER. Yes, sir.

Senator STONE. Some 300 or more?

Mr. COOPER. Yes, sir; I would say that there were 300 at the time that they brought them on. Now, taking into consideration the increase——

Senator STONE. Has there naturally been an increase, do you think?

Mr. COOPER. Yes, sir.

Senator STONE, Were they cows?

Mr. COOPER. They were mixed, I believe; mixed herd of cattle.

Senator STONE. Well, do you know about what proportion of them were cows?

Mr. COOPER. I have no idea as to that.

Senator STONE. They have been breeding on the range, have they?

Mr. COOPER. Yes, sir.

Senator STONE. Who was his partner?

Mr. COOPER. Mr. Fred Hawthorn.

Senator STONE. That makes five men holding official places whose names you have given as holding cattle on the range?

Mr. COOPER. Yes, sir.

Senator STONE. Any others?

Mr. COOPER. I do not believe that there is.

Senator STONE. You do not recall any others?

Mr. COOPER. I can not recall any others at this time.

Senator STONE. That is all.

Senator CURTIS. I was busy at the time. Did you keep the number of cattle you claim each employee had on the place?

Mr. COOPER. In some cases I did.

Senator CURTIS. Do you know what each had?

Mr. COOPER. I do not know.

Senator CURTIS. Now, Major Reynolds claims that he sold his cattle before they were taken to the range. Do you know anything about that?

Mr. COOPER. It has been said that.

Senator CURTIS. Do you know whether he had or had not sold them?

Mr. COOPER. I do not know that, sir.

Senator CURTIS. Well, then, why did you say "his cattle?"

Mr. COOPER. I am under that impression, that they belonged to him.

Senator CURTIS. That is your impression?

Mr. COOPER. Yes, sir.

Senator CURTIS. Well, is that what you are basing your statement on with reference to these others, simply your impression that they own them, or do you know?

Mr. COOPER. Just from the general opinion on the reservation that they belonged to him.

Senator CURTIS. Is that true as to the other people, the other four men whom you claim have cattle on the reservation?

Mr. COOPER. Yes, sir.

Senator CURTIS. Do you know of any of the ranchmen or Indians who were driven from their allotments by reason of sheep trespassing upon them?

Mr. COOPER. How was that?

Senator CURTIS. Do you know of any Indians who were forced to abandon their allotments because sheep were permitted to trespass upon their places? If so, give the names of them.

Mr. COOPER. I do not know one at this time.

Senator CURTIS. Do you remember of any having been driven away?

Mr. COOPER. No, sir.

Senator CURTIS. Do you recall any who have been compelled to leave their places because of the cattle trespassing upon their home or their allotment?

Mr. COOPER. Yes; I could recall that. For instance, myself.

Senator CURTIS. Well, what about that?

Mr. COOPER. I have been eat out by stock until there is no encouragement for me to go back and build.

Senator CURTIS. You could not raise anything if you did build, could you, without you had irrigation?

Mr. COOPER. Well, I have always raised a little crop there previous to that.

Senator CURTIS. Well, how much had you broken out on that place?

Mr. COOPER. The last time that I farmed there I had 2½ acres.

Senator CURTIS. How much is the most you have had broken out on your allotment?

Mr. COOPER. Four acres.

Senator CURTIS. Is that on the allotments of yourself and your children and your wife?

Mr. COOPER. Yes, sir.

Senator CURTIS. All told, only 4 acres?

Mr. COOPER. Yes, sir.

Senator CURTIS. You couldn't raise much of a crop on 4 acres, could you?

Mr. COOPER. It is quite big enough for a family?

Senator CURTIS. You could build a fence around 4 acres that would keep cattle out, could you not?

Mr. COOPER. Yes, sir.

Senator CURTIS. Well, did you ever make any effort to build a fence to keep cattle away from your 1,200-acre allotment, which belongs to yourself and your children?

Mr. COOPER. No, sir; I did not have the means to do it.

Senator CURTIS. Well, who else that you know of was kept from farming their allotments because of cattle?

Mr. COOPER. I could not say.

Senator CURTIS. Do you know of anyone else?

Mr. COOPER. No, sir; not at this time.

Senator CURTIS. Have you made any effort to have your place developed?

Mr. COOPER. Yes, sir.

Senator CURTIS. What have you done?

Mr. COOPER. I have taken out a ditch. I have stated that I have not the means, by reason of teams and other things that I would wish to have; but to show you that I am not afraid of work, I have put in a ditch with a shovel; all taken out with a shovel.

Senator CURTIS. How many miles long?

Mr. COOPER. A half mile long.

Senator CURTIS. You could irrigate all your place by ditching a space 2½ miles, could you not?

Mr. COOPER. About one-half of it.

Senator CURTIS. How much would it cost to put in a ditch 2½ miles, to irrigate 1,200 acres of the allotment of yourself and family?

Senator DIXON. Fifteen hundred and ninety acres, he says.

Mr. COOPER. Well, about $600.

Senator CURTIS. What would it cost to build a little house there, the kind the farmers usually have in that section?

Mr. COOPER. Why, it would cost probably $300 to $400 for such a house.

Senator CURTIS. What would it cost to fence 750 acres of your land?

Mr. COOPER. It would cost at least $700.

Senator CURTIS. Seven hundred dollars?

Mr. COOPER. Yes, sir; that is taking into consideration the wire and the posts.

Senator CURTIS. That fence and a little house on there and the irrigation ditch would bring you how much a year for a lease of five years?

Mr. COOPER. That ought to bring me about $600 a year.

Senator CURTIS. Have you made any effort to get some of those cattle men or farmers in that neighborhood to make a five-year lease of your allotment and improve it as I have said?

Mr. COOPER. I understand that Mr. Henry wants to go into a deal with me, but I have not up to this time seen him—that he wants to make a long lease with me.

Senator CURTIS. Are there many Indians on the reservation whose allotments are in the same situation as yours?

Mr. COOPER. I believe there are; yes, sir.

Senator CURTIS. How many?

Mr. COOPER. There is a good portion of them, I believe, that are laboring under the same conditions that I am.

Senator CURTIS. How many of the Indians there are farming their own allotments, out of about 500 adult males?

Mr. COOPER. I think it would be safe to say there would be probably one-third.

Senator CURTIS. Probably one-third not farming their allotments, or farming them?

Mr. COOPER. Farming them.

Senator CURTIS. What do the other two-thirds do?

Mr. COOPER. Well, they get along the best they can.

Senator CURTIS. Well, each head of a family has a good allotment that is under irrigation or under a ditch.

Mr. COOPER. A great many of them are under irrigation; yes, sir.

Senator CURTIS. Can not each allotment that has been made to the wives and children be easily placed under irrigation?

Mr. COOPER. I could not say as to that, sir.

Senator CURTIS. Is it not the object of the Government and the allotting agents to give allotments that were susceptible of irrigation to each man, woman, and child; and have not the ditches been built there by the Government?

Mr. COOPER. Yes, sir.

Senator CURTIS. There have been a good many thousand dollars spent there by the Government, have there not?

Mr. COOPER. Yes, sir; a good many thousand dollars.

Senator CURTIS. Some one testified here the other day of one ditch where, in order to get water on the land, they have to run uphill—do you know anything about that?

Mr. COOPER. I have heard of one small ditch.

Senator CURTIS. Was that a ditch made by the Government?

Mr. COOPER. It was surveyed by the Government.

Senator CURTIS. Who was the ditch made by?

Mr. COOPER. Dominick Stevens by name.

Senator CURTIS. An Indian?

Mr. COOPER. He is married to an Indian.

Senator CURTIS. He is the one who is responsible for trying to make water run uphill?

Mr. COOPER. No, sir; it is the engineer.

Senator CURTIS. Have you ever been on the place to examine that ditch yourself?

Mr. COOPER. I never was there; no, sir.

Senator CURTIS. You know nothing about it from your own personal knowledge?

Mr. COOPER. No more than he told me himself.

Senator CURTIS. Does Stevens farm his place?

Mr. COOPER. I do not know. I have never been to his place.

Senator CURTIS. Tell me how these Indians up there live who do not do any work and do not farm their places; how do they live?

Mr. COOPER. Well, they have a hard time of living.

Senator CURTIS. There is plenty of work in that neighborhood, is there not?

Mr. COOPER. At times there is.

Senator CURTIS. Do any of the Indians leave the reservation and go off to work?

Mr. COOPER. Yes, sir; there have been some.

Senator CURTIS. How many, about, last year?

Mr. COOPER. I could not say, sir; I never was to the works where they were.

Senator CURTIS. Well, these Indians who are farming their lands are doing very well, are they not?

Mr. COOPER. Yes; some of them are doing well.

Senator CURTIS. You have two grist mills on the reservation?

Mr. COOPER. Yes; I know of one, but I understand there is one over in Pryor Creek.

Senator CURTIS. You can take your grain there and have it ground at any time without charge or cost?

Mr. COOPER. I never had any ground, so I could not make any statement to that effect.

Senator CURTIS. How far is it from your place?

Mr. COOPER. It is 20 miles from where I am living at present.

Senator CURTIS. You have three thrashing outfits that belong to the agency that will thrash the grain of the Indians?

Mr. COOPER. I believe there are three; probably more.

Senator CURTIS. Do your children attend school?

Mr. COOPER. Yes, sir.

Senator CURTIS. What school—a day school or the agency school?

Mr. COOPER. The missionary school at Santee, Nebr.

Senator CURTIS. Have you any boys who are old enough to farm?

Mr. COOPER. Yes, sir; he will be when he comes home next year.

Senator CURTIS. Only one?

Mr. COOPER. I have two, I guess, that can help.

Senator CURTIS. Have you done anything toward developing either of their places?

Mr. COOPER. No, sir.

Senator CURTIS. That is all.

Senator SUTHERLAND. I want to ask you this: You say you have 4 acres of your allotment cultivated?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. How long has that been under cultivation?

Mr. COOPER. Ten years ago.

Senator SUTHERLAND. That is, you have had 4 acres for ten years?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. And never have increased it any in ten years?

Mr. COOPER. No, sir; I have not.

Senator SUTHERLAND. You have no team, you say.

Mr. COOPER. I haven't now.

Senator SUTHERLAND. Did you have a team?

Mr. COOPER. I have had teams in the past; yes, sir.

Senator CURTIS. How long since you have had a team?

Mr. COOPER. I have not had a team for about two years now.

Senator SUTHERLAND. But up until two years ago you did have a team?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. And plows?

Mr. COOPER. Yes, sir

Senator SUTHERLAND. And farming appliances?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. What is the reason you did not cultivate more than 4 acres?

Mr. COOPER. Because there was no occasion for me to cultivate it. I was too far from the railroad.

Senator SUTHERLAND. Too far from the railroad?

Mr. COOPER. Yes, sir; that is, to raise grain or anything like that.

Senator SUTHERLAND. How far were you from the grist mill?

Mr. COOPER. About 40 miles.

Senator SUTHERLAND. How about hay—can you raise hay up in that country?

Mr. COOPER. Yes; wild hay.

Senator SUTHERLAND. Have you tried raising alfalfa?

Mr. COOPER. Alfalfa—you must have water to raise that.

Senator SUTHERLAND. Have you ever tried to raise it up there?

Mr. COOPER. No, sir. I have put some out, but it never came up.

Senator SUTHERLAND. When did you put in this half-mile ditch?

Mr. COOPER. Ten years ago.

Senator SUTHERLAND. And you have not increased it since?

Mr. COOPER. No, sir.

Senator SUTHERLAND. How have you been making a living since then?

Mr. COOPER. I have been making my living—it has been uphill work.

Senator SUTHERLAND. What have you been doing besides farming? Anything?

Mr. COOPER. Yes, sir; wherever I can get work.

Senator SUTHERLAND. What did you do with your team?

Mr. COOPER. Well, my team died off, in one way and another.

Senator SUTHERLAND. What did you do with your wagon and farm appliances?

Mr. COOPER. They are there.

Senator SUTHERLAND Still there?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. These two-thirds—you say about two-thirds of the Indians are not engaged in farming?

Mr. COOPER. Not engaged?

Senator SUTHERLAND. Yes; I understood you to say so.

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Are these Indians doing any farming at all, the two-thirds of them?

Mr. COOPER. I could not say as to that.

Senator SUTHERLAND. Perhaps you do not understand me. You said that about one-third of the Indians were farming?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Do you mean also to say that two-thirds of them are doing no farming at all?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Do you know why they are not?

Mr. COOPER. I couldn't state that, why.

Senator SUTHERLAND. Two-thirds of the Indians have land there that is not being cultivated at all.

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. What is being done with that land?

Mr. COOPER. I couldn't say as to what they have done with their land.

Senator SUTHERLAND. Is it in a wild state?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. And unfenced?

Mr. COOPER. Yes, sir. I might give you an instance here where the Indians put up their fences, but they were discouraged from putting those fences up by reason of not getting any fence to make improvements on their places. I know of Indians who have bought their own wire and put it on their fences, when I have reasons to believe that they had wire there to be issued to them.

Senator SUTHERLAND. How do you mean discouraged? I do not understand that.

Mr. COOPER. If an Indian puts up his fence he does not get any allotment from the agent in regard to wire.

Senator SUTHERLAND. You mean he is not furnished wire?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Is there wire there to be issued to the Indians?

Mr. COOPER. There is wire at times; yes, sir.

Senator SUTHERLAND. What is the reason wire is not issued; do you know?

Mr. COOPER. I could not give the reason.

Senator SUTHERLAND. Did you ever make application to get wire?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. What answer was given you?

Mr. COOPER. Point-blank that I was to get nothing whatsoever from him, and never to expect it, and never to come back there any more.

Senator SUTHERLAND. Did he tell you why?

Mr. COOPER. No, sir; he did not state the reason.

Senator SUTHERLAND. What agent did that?

Mr. COOPER. Major Reynolds.

Senator SUTHERLAND. The present agent?

Mr. COOPER. Yes, sir. That was when he first came as an agent; about the first year.

Senator SUTHERLAND. That is all.

Senator DIXON. Did not Major Edwards issue wire to you?

Mr. COOPER. No, sir; never.

Senator DIXON. Did he ever issue farm machinery to you?

Mr. COOPER. Yes, sir.

Senator DIXON. What kind of farm machinery did he issue to you?

Mr. COOPER. A machine—a mowing machine and a rake.

Senator DIXON. Did you ever have Government rations issued to you?

Mr. COOPER. Long years ago; but I did not use it; I gave my ticket to other poor Indians.

Senator DIXON. You never drew any rations from the Government yourself?

Mr. COOPER. No, sir.

Senator DIXON. Nor your family?

Mr. COOPER. No, sir.

Senator DIXON. Do you know George Pease, your half-brother?

Mr. COOPER. Yes, sir; I know George Pease.

Senator DIXON. He is a cripple, a lame man, isn't he?

Mr. COOPER. Yes, sir.

Senator DIXON. He has an allotment about 5 miles from your place?

Mr. COOPER. Yes, sir.

Senator DIXON. George Pease—does he raise any grain on his allotted land?

Mr. COOPER. Yes, sir.

Senator DIXON. How much?

Mr. COOPER. I couldn't say how much, sir.

Senator DIXON. Does not George Pease raise from 1,000 to 1,500 bushels of grain on his allotment?

Mr. COOPER. I do not know how much he raises.

Senator DIXON. Doesn't he raise a very large quantity of grain?

Mr. COOPER. Yes, sir.

Senator DIXON. Does not your half brother, George Pease, sell from $1,500 to $2,000 worth of hay from his allotment?

Mr. COOPER. I believe that.

Senator DIXON. Does he have as much land allotted as you do?

Mr. COOPER. Yes, sir.

Senator DIXON. About the same amount?

Mr. COOPER. About the same amount.

Senator DIXON. And he is a cripple?

Mr. COOPER. Yes, sir.

Senator DIXON. As a matter of fact, Cooper, could you not take a team and a plow and plow out a ditch in a week's time to irrigate your land?

Mr. COOPER. No, sir; not in a week's time.

Senator DIXON. How long would it take you to plow up that ditch?

Mr. COOPER. I could not give that, as to how long it would take.

Senator DIXON. It is about 2 miles long.

Mr. COOPER. Approximately, it would take over two months to do it with one team.

Senator DIXON. To plow a ditch 2 miles long?

Mr. COOPER. Yes, sir.

Senator DIXON. It is a level country there, isn't it?

Mr. COOPER. No, sir; not where my ditch is; it has heavy cuts through there.

Senator DIXON. Did you ever have a survey made?

Mr. COOPER. Yes, sir.

Senator DIXON. How long ago?

Mr. COOPER. Two years ago.

Senator DIXON. Was that the first time that you ever had a survey made for a ditch?

Mr. COOPER. Yes, sir; but I do not think I will carry out that ditch. At one time they tried to run it uphill.

Senator DIXON. Can you not go around the brow of the hill and take a plow and plow that whole ditch?

Mr. COOPER. The brow of the hill?

Senator DIXON. Yes.

Mr. COOPER. I am speaking about where it is surveyed

Senator DIXON. But could you not get water there—you say you took out one ditch with a shovel?

Mr. COOPER. That is where I wanted it. If I take a ditch out I will take it out where I intend to put my water.

Senator DIXON. Could you not take a plow and plow up that ditch where you intend to dig it?

Mr. COOPER. Yes, sir.

Senator DIXON. It would take you two months to plow a ditch 2 miles long?

Mr. COOPER. It is not a matter of plowing. I could probably plow it in a day.

Senator DIXON. How much land would it irrigate?

Mr. COOPER. I have stated that it would irrigate very nearly 600 acres. The creek runs about the center of my place; so when I team it out there will be one on each side of the creek.

Senator DIXON. George Pease settled there about the same time you did?

Mr. COOPER. No; he was there five or six years before me.

Senator DIXON. But you have been there ten years?

Mr. COOPER. Yes, sir.

Senator DIXON. And have cultivated, you say, 2½ acres, and yet in answer to Senator Sutherland you said 4 acres?

Mr. COOPER. I made that statement to you at one time.

Senator DIXON. You never had over 2½ acres in cultivation, did you, at a single time?

Mr. COOPER. I made the statement that I had 4 acres at the most.

Senator DIXON. You did not cultivate any last year, did you?

Mr. COOPER. No, sir.

Senator DIXON. Did you cultivate any the year before?

Mr. COOPER. Yes, sir.

Senator DIXON. How much the year before?

Mr. COOPER. About 2 acres.

Senator DIXON. And yet your lame half-brother, George Pease, 5 miles distant, has developed his ranch in the meantime to raise from 1,000 to 1,500 bushels of grain annually and to sell from $1,500 to $2,000 worth of hay?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Why is it that your half-brother is able to do that and you are not?

Mr. COOPER. Because he has been favored by every agent that has been there.

Senator SUTHERLAND. Favored in what way?

Mr. COOPER. In material ways.

Senator SUTHERLAND. Go on and tell us.

Mr. COOPER. It is a safe statement to make that practically all his wire on his place has been issued to him and then the lumber also. He has had a great deal of help in numerous ways—implements, wagons, harness.

Senator SUTHERLAND. Is that the only reason?

Mr. COOPER. That is quite a help.

Senator SUTHERLAND. Is that the only reason, simply because he has received wire and lumber from the agent, he has been able to cultivate his allotment and raise 1,000 to 1,500 bushels of grain a year and to sell a thousand or more dollars' worth of hay; is there any other reason for it?

Mr. COOPER. His place is naturally more of a productive place in regard to hay than mine.

Senator SUTHERLAND. Why; because he applies water to it?

Mr. COOPER. His land is a different soil from mine; mine is sandy. In order to raise anything on that, you have to have water.

Senator SUTHERLAND. Does he have water?

Mr. COOPER. He did not when he first went there.

Senator SUTHERLAND. Does he irrigate it now?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Did he build his ditch to irrigate it?

Mr. COOPER. Yes, sir.

Senator SUTHERLAND. Did he build that?
Mr. COOPER. He had to hire it done.
Senator SUTHERLAND. He has been able to do it himself or hire it done.
Mr. COOPER. Yes, sir.
Senator PAYNTER. Have you any boys?
Mr. COOPER. Yes, sir.
Senator PAYNTER. How old are they?
Mr. COOPER. The oldest one will be 17 this summer.
Senator PAYNTER. He is off at school?
Mr. COOPER. Yes, sir.
Senator DIXON. You do not have to pay taxes of any kind?
Mr. COOPER. No, sir; I do not believe that I do.
Senator DIXON. The land is tax free?
Mr. COOPER. Yes; but I would much rather pay taxes than pay tribute.
Senator DIXON. And you have 21 head of cattle, you say?
Mr. COOPER. Twenty-one.
Senator DIXON. Where did you get those cattle?
Mr. COOPER. They were in the first place issued to me.
Senator DIXON. By the Government?
Mr. COOPER. Yes, sir.
Senator DIXON. What are those cattle worth?
Mr. COOPER. I could not tell you.
Senator DIXON. About how much a head?
Mr. COOPER. Well, it is safe to say about $30 a round.
Senator DIXON. That is $600 worth of cattle you have?
Mr. COOPER. Yes, sir.
Senator DIXON. The sale of those cattle would dig that ditch, without any labor on your part?
Mr. COOPER. There is my hope in those cattle. I do not care to dispose of them to turn them into a ditch.
(Senator Paynter asked the witness a question in regard to the price of horses, which he requested the stenographer not to report.)
Senator DIXON. Do you mean to state that you can not get plow horses, ordinary farm horses, in eastern Montana, for less than from $450 to $500 a team?
Mr. COOPER. For such as I would want for my purpose, sir, it would cost me that. Draft horses, I am speaking of.
Senator DIXON. Well, now, ordinary horses such as the other farmers use in Montana?
Mr. COOPER. Between $200 and $300.
Senator DIXON. When you had your team what were you doing with it?
Mr. COOPER. When I had my team I was working on a ditch for two years.
Senator DIXON. What ditch?
Mr. COOPER. Big Horn ditch.
Senator DIXON. For whom?
Mr. COOPER. It was known as the Crow survey.
Senator DIXON. For the Government?
Mr. COOPER. Yes, sir.
Senator DIXON. When was that?

Mr. COOPER. That has been six years ago.

Senator DIXON. When you had a team of your own and a plow and wagons, why didn't you plow out a ditch then?

Mr. COOPER. I was not on my ranch then.

Senator DIXON. But you stated yesterday that you had received $600 from a dead allotment of some of your relatives from the Government.

Mr. COOPER. No, sir; I did not make such a statement.

Senator DIXON. If my ears hear, that is what you stated and what the record shows.

Mr. COOPER. I never received one cent.

Senator DIXON. Did you not say yesterday that you received $600 from the sale of allotted lands?

Mr. COOPER. I received $600 as relinquishment for my allotment at Billings.

Senator DIXON. When was that?

Mr. COOPER. About ten years ago.

Senator DIXON. Then you had still another allotment outside of this 1,590 acres on the reservation, did you?

Mr. COOPER. Yes; that is for myself, sir.

Senator DIXON. Yes.

Mr. COOPER. Yes; I simply gave a relinquishment, and therefore I had the privilege of being reallotted.

Senator DIXON. You originally did not live on the reservation, did you?

Mr. COOPER. Yes; it was the original reservation at Billings until it was ceded.

Senator DIXON. And then you sold your allotment up there and moved onto the present Crow Reservation?

Mr. COOPER. Yes, sir.

Senator DIXON. About how many years ago?

Mr. COOPER. About ten years ago.

Senator DIXON. Then, up until ten years ago you had not lived on the present Crow Reservation?

Mr. COOPER. My allotments are on Crow Reservation.

Senator DIXON. Answer the question. Until ten years ago you had not lived on the present Crow Reservation?

Mr. COOPER. Yes, sir.

Senator DIXON. Do you mean yes or no? Did you live there or not?

Mr. COOPER. I was off that.

Senator DIXON. How long did you live off the reservation?

Mr. COOPER. I could not say as to how long that was; it was shortly after it was opened that I sold.

Senator DIXON. That is all.

Senator PAYNTER. Mr. Cooper, have you any money to your credit in the First National Bank?

Mr. COOPER. No, sir; I haven't a cent, sir.

Senator PAYNTER. How much would a plow cost that you want to use for ditching purposes?

Mr. COOPER. About $12, I think.

Senator DIXON. And still, with these conditions prevailing, you have come to Washington to get your rights, as you stated yesterday?

Mr. COOPER. Yes, sir; because I attribute my condition largely to the management of the Indian agents. They have kept me from going forward.

The CHAIRMAN. Is there any further statement you want to make?

Mr. COOPER. No, sir.

The CHAIRMAN. Well, you may be excused.

Mrs. GREY. I want to ask him a question.

The CHAIRMAN. You may state what your question is; and if it is a proper question, I will put it to the witness.

(Mrs. Grey here stated her question to the chairman.)

The CHAIRMAN. Mr. Cooper, do you know whether George Pease's place is rented to anybody?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Who is it rented to?

Mr. COOPER. To Mr. Henry.

The CHAIRMAN. For how much, do you know?

Mr. COOPER. He gets $1,200 a year.

The CHAIRMAN. How much of his place does that rent cover?

Mr. COOPER. All of it, I believe.

Senator DIXON. How long has he had it rented?

Mr. COOPER. For five years.

Senator DIXON. When was it that he was raising this amount of hay and grain that you testified to?

Mr. COOPER. I did not understand what you said.

Senator DIXON. When was it that your half-brother, George Pease, was raising this amount of grain and hay—before he leased to Henry?

Mr. COOPER. Yes; before.

Senator DIXON. But for five years it has been leased for $1,200, full cash rent?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Well, then, when you stated that George Pease sold $1,500 or $2,000 worth of stuff off his farm, you did not mean that he has done it since this time when he has leased it, did you?

Mr. COOPER. Prior to that time, sir.

The CHAIRMAN. That is all.

(The witness was thereupon excused.)

The CHAIRMAN. Now, Mr. Sniffen, did you want to resume your testimony?

Mr. SNIFFEN. I believe that certain grounds were covered on Monday that I did not hear, and if that testimony will be available soon I would like to have the opportunity of looking that over first, unless there are some questions you would like to ask me.

The CHAIRMAN. No; I have no questions to ask you. We have got to get through these hearings, however, and we have got to use the witnesses who are here. Now, if you have any further statement that you want to make we can hear you at this time, if you are prepared to make it.

Mr. SNIFFEN. I have no further statement to make at this time.

The CHAIRMAN. You were advised that you could prepare questions for Plenty Coos to answer; have you any that you want to ask him at this time?

Mr. SNIFFEN. I have no further questions than what I asked him the other day.

The CHAIRMAN. Mrs. Grey, you were advised that you could prepare questions to be asked Plenty Coos; have you any?

Mrs. GREY. No; I have not the heart to ask him anything. When Plenty Coos gets back to the tribe he will have to answer for all he has said here. He has been told that he will not be forgiven if he fools them this time.

The CHAIRMAN. Mr. Reynolds, do you want to make any statement in addition to what you have made?

Mr. REYNOLDS. I would be glad to make a few.

STATEMENT OF S. G. REYNOLDS—Resumed.

Mr. REYNOLDS. I wish to say that the conversation that Joe Cooper said that he had with me, in which I called Mrs. Grey those vile names, is absolutely false. I never had any such conversation with him. Both times that I had Joe Cooper arrested it was for the trouble that he was making in chasing around and leaving his home and stirring up trouble among the Indians.

Senator DIXON. What had been his conduct while Mrs. Grey was over there, about leaving his home?

Mr. REYNOLDS. Why, he had been traveling around the reservation with her nearly constantly.

Senator DIXON. Have you ever been on Joe Cooper's ranch?

Mr. REYNOLDS. I have.

Senator DIXON. You have heard his statement about the reasons why he has not developed it?

Mr. REYNOLDS. I have.

Senator DIXON. Just tell the committee the facts about it; what he has done or attempted to do, and what you offered to do.

Mr. REYNOLDS. Joe Cooper has one of the finest ranches on the Crow Reservation. It is in the bottom of Soap Creek. I could not say how many acres can be irrigated, but a large portion of his land is bottom land, taken up along the creek. It is splendid for gardening.

Senator DIXON. How difficult would it be to take out irrigation ditches from the creek?

Mr. REYNOLDS. You can take an irrigation ditch out with a team in four or five days that would water 40 or 50 acres of land.

Senator DIXON. Has he ever made any attempt to do it?

Mr. REYNOLDS. He never has.

Senator DIXON. Have you ever attempted to get him to do it?

Mr. REYNOLDS. I have tried to get Joe Cooper to stay on his place and work it ever since I have been Indian agent, because when I went there he was about the first Indian boy I had ever known.

Senator DIXON. Have you ever refused to help him or get him started?

Mr. REYNOLDS. Why, I have refused in this way, that I wanted him to start in and demonstrate to me that he was going to help himself; then I was willing to give him any assistance and any aid I could.

Senator DIXON. Had the agents prior to your time issued any machinery or wire or supplies to him?

Mr. REYNOLDS. They had. The issue books showed that he was very well taken care of. He had had machinery and stuff given to him; he had this house and barn and a splendid corral; and there

was no reason why he could not have gone on and done well at that place.

Senator DIXON. He stated yesterday about your arresting him when he started to leave the reservation last year to come to Washington. Will you tell the committee why you arrested him at that time?

Mr. REYNOLDS. I arrested Joe Cooper and those other Indians from the mere fact that they were calling councils and they were disturbing the peace of the reservation. It was at about plowing season, and the Indians were leaving their work, and while a great portion of the matter that came to me were rumors, and on account of the excitement prevailing among the Indians, I deemed it necessary to take drastic measures to quiet the Indians down. I brought this delegation back, and I put them in the guardhouse and talked to them, and the greater portion of them were ashamed of what they had done. Some of these Indians were the very best Indians we have on the reservation, that started away. They had taken up a collection from the Indians, and a great many of the Indians had told me that they had contributed from $2 to $5.

Senator DIXON. Did Joe Cooper's wife have any part in having him arrested at that time? Was she at the agency?

Mr. REYNOLDS. Joe Cooper's wife came to the agency, but didn't see him; it was reported to me that she was there to get me to get Joe to stop this running around and come back to his home.

Senator DIXON. What did he do with his family and children while he was on these tours?

Mr. REYNOLDS. He left them at the ranch.

Senator DIXON. Anyone with them to look after them?

Mr. REYNOLDS. There was nobody with them. They were 2 or 3 miles from the nearest neighbors.

Senator DIXON. What about these cattle, the Hill and Means cattle, that Cooper was just testifying about?

Mr. REYNOLDS. When I went to the reservation—soon after—Howard Means—he was not an employee of the Government—some of the Indians were running some cattle, and this Means had a bunch of cattle on the mountains on the old Fort Smith Military Reserve, at the head gate, and they were continued there for perhaps two or three years, and were finally disposed of to Heinrich.

Senator DIXON. Were they there when you went to the reservation?

Mr. REYNOLDS. Yes; I did hear of them at that time.

Senator DIXON. How far distant from the agency were they?

Mr. REYNOLDS. Fifty miles.

The CHAIRMAN. What is his position?

Mr. REYNOLDS. Means was not in the Government service at that time.

The CHAIRMAN. Is he now?

Mr. REYNOLDS. I think he is.

The CHAIRMAN. What position?

Mr. REYNOLDS. He is on one of the reservations in the West—I think the Uintahs—looking after an irrigating ditch. I do not know that he is in the Indian service.

I wish to say, regarding outside cattle being on the reservation, that there are from time to time, ever since I have been on the reservation,

certain Indians and men who have certain bunches of cattle running there unknown to the agent, and for which they were receiving pay and running them with their own cattle. Charley Phelps is one who has done that; Peters is another who has done that. And there is no question but what there are a great many head of cattle on the reservation that by rights should not be there, from the fact that the reservation is not fenced on the north, on the south, and on the west, and it is the general range country.

Senator DIXON. It opens right out into the range where the stock of everybody ranges?

Mr. REYNOLDS. Yes, sir. With Van Hoose's cattle there were probably fifteen or twenty other settlers' cattle driven back on the reservation, and the reservation cattle was driven over there onto their lands.

Senator DIXON. What is the length of this reservation, in miles, from east to west?

Mr. REYNOLDS. Only 100 miles.

Senator DIXON. And north to south?

Mr. REYNOLDS. Seventy-five miles or less; about 75. We have, and showed by our remittances where I have time and again picked up stock on the reservation and collected the dollar fee and removed them.

Senator PAYNTER. Major, what does it cost to cut an acre of grass?

Mr. REYNOLDS. Why, they figure that it costs $2.50 to put up a ton of blue stem.

Senator PAYNTER. Will an acre produce a ton?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. That is, when you buy it and put it in a stack?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. What is it worth when it is in the stack?

Mr. REYNOLDS. Five dollars. That depends largely upon the winter, however.

Senator PAYNTER. That is about the average?

Mr. REYNOLDS. Five dollars or $6 in the stack.

Senator PAYNTER. Joe Cooper, then, has 600 acres that could be put under irrigation if this ditch were made that is mentioned?

Mr. REYNOLDS. Yes, sir.

Senator PAYNTER. His place, then, ought to yield $1,000 or $1,200?

Mr. REYNOLDS. Yes, sir. The alfalfa land under water will average 5 tons to the acre, cutting three crops, and alfalfa will sell from $3 to $5 in the stack. That is the money-making crop of this region.

The CHAIRMAN. Anything further?

Mr. REYNOLDS. I wish to say, regarding the allegation here of my owning the Heinrich cattle on bringing them to the reservation, that I sold those cattle a year after I went to the reservation, and the increase of those cattle have been branded with the Heinrich brand, which is recorded in Wyoming. That comes out fully from the testimony and Mr. Dalby's report that I never owned any stock on the reservation other than my Jersey cows and a few saddle horses.

The CHAIRMAN. Anything further?

Mr. REYNOLDS. I do not think so.

The CHAIRMAN. Do you want to ask him anything, Mrs. Grey?

Mrs. GREY. Very much.

The CHAIRMAN. State your question.

(Mrs. Grey stated her question to the chairman.)

The CHAIRMAN. Will you state what, if any, councils werec alled by these Indians that you arrested, and where they were called?

Mr. REYNOLDS. The first arrest was made the night following the council held at Lodge Grass.

The CHAIRMAN. Was that a council or a lodge meeting?

Mr. REYNOLDS. It was a meeting of the Indians.

The CHAIRMAN. Do you know whether it was a lodge meeting or a council?

Mr. REYNOLDS. I do not.

The CHAIRMAN. Well, they are in the habit of holding lodge meetings, are they not?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. This was at the time of the first arrest, you say?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Had they held anything else that you could call council prior to that arrest; if so, when and where?

Mr. REYNOLDS. They had been holding meetings at different places, at the different homes all through that district.

The CHAIRMAN. Where were these held?

Mr. REYNOLDS. They were held at different houses.

The CHAIRMAN. Well, do you know of any house where a meeting was held that you denominate a council in your testimony?

Mr. REYNOLDS. I would not say they were councils, but it was places where they agitated the subject of collecting moneys.

The CHAIRMAN. Well, can you designate any place and time where such a meeting was held?

Mr. REYNOLDS. I can not designate the exact place.

The CHAIRMAN. Do you know how many such meetings were held prior to this first arrest?

Mr. REYNOLDS. No, I do not.

The CHAIRMAN. Do you know how many attended any of these meetings?

Mr. REYNOLDS. Not positively.

The CHAIRMAN. And the only meeting that you do designate is the one at the time of the arrest, but you say you do not know whether was a council or a lodge meeting?

Mr. REYNOLDS. I do know that it lasted nearly all night, and it was very excitable.

The CHAIRMAN. Where was it held?

Mr. REYNOLDS. It was held at Pretty On Top's house.

The CHAIRMAN. How far is that from the agency?

Mr. REYNOLDS. Twenty-two miles, about.

The CHAIRMAN. How immediately preceding this arrest was that held?

Mr. REYNOLDS. It was held the previous night.

The CHAIRMAN. What time did you get word of it?

Mr. REYNOLDS. I was at Lodgegrass, a mile and a half from the meeting.

The CHAIRMAN. Oh, you were up there?

Mr. REYNOLDS. Yes, sir. That is what took me there. I had information regarding the meeting.

The CHAIRMAN. You were advised that it would be held?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Well, now, where do they usually—do they hold lodges in that same locality?

Mr. REYNOLDS. I have never been to one of their meetings.

The CHAIRMAN. Do you know whether they are holding their lodges, and had been holding lodges in that locality?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. They had?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. This information that you received from time to time indicated that this meeting would be different from the ordinary lodge meeting?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. That it would be in the nature of a council?

Mr. REYNOLDS. Yes, sir.

The CHAIRMAN. Do you know how many attended it?

Mr. REYNOLDS. The exact number I do not know, but there were forty or more.

The CHAIRMAN. That is all.

(The witness was thereupon excused.)

The CHAIRMAN. Now, Senator Dixon, I think this afternoon these Indians want to be heard again on the bill.

Senator DIXON. Yes, sir.

The CHAIRMAN. And we will take that up at 1 o'clock. To-morrow morning Mr. Dalby will be here, and we will hear and conclude the hearings on the entire question.

Senator DIXON. All right.

The CHAIRMAN. The committee will now adjourn until 1 o'clock.

(At 12 o'clock noon the committee took a recess until 1 o'clock p. m. Tuesday, April 7, 1908.)

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

Plenty Coos, recalled for further examination through Interpreter Frank Shively.

The CHAIRMAN. Mr. Shively, you wanted to talk over these bills before you talked any more with the committee, did you not?

Mr. SHIVELY. Yes, sir.

The CHAIRMAN. Have you gone over the bills among yourselves?

Mr. SHIVELY. Not very thoroughly. We have been discussing other matters.

The CHAIRMAN. Do you want to say anything about these bills?

Mr. SHIVELY. We want to be on record as most strenuously opposing the opening of the reservation.

The CHAIRMAN. It would be better, I think, if you would put these questions to Plenty Coos and let him answer them.

Mr. SHIVELY. Yes, sir.

The CHAIRMAN. Plenty Coos, you have looked over these bills since you were here the other day?

PLENTY COOS. Yes, sir.

The CHAIRMAN. What do you want to say now about these bills?

PLENTY COOS. I came here with the full intention of protesting against the opening of the reservation, and I stated my reasons, some

of them, to you the other day. I want to retain that reservation to myself and my children that will come.

The CHAIRMAN. Do you remember the council that you attended when Major McLaughlin was present?

PLENTY COOS. I was there.

The CHAIRMAN. Did you not finally present three objections to the opening of the reservation?

PLENTY COOS. Yes; I objected to the whole thing; not only those three, but the whole thing.

The CHAIRMAN. But did you not particularly object to three features of the bill?

PLENTY COOS. Yes; I heard the bill read over and there were three things that I objected, but now there are several more that I want to talk over.

The CHAIRMAN. Now, if the bill is to be passed by Congress, what changes do you want in it?

PLENTY COOS. I did not come here with the understanding that the reservation would be thrown open; I came here with the full intention of refusing to let the opening, and I wanted to appear on the record that I protest from beginning to end for myself personally.

The CHAIRMAN. Do you want to point out anything in the bill that you would like changed if the bill is going to be passed?

PLENTY COOS. Do I understand that the bill is going to be passed?

The CHAIRMAN. The committee can not say whether Congress will pass the bill or not, but while you are here the committee would like to have you say if the bill does pass what changes you think ought to be made in it?

PLENTY COOS. I represent the Crows, and the Crows have been from time immemorial friends of the white people, and I shared with them the hardships, and I considered them my friends. I fought with them in battles and have given the very best of my manhood to the army when the army needed me, and I come here with the expectation of meeting my own friends, and this is the thanks I get, opening the only thing I have, taking it away from me, what I consider to be my own, if I say so or not. I want to have it understood that I will refuse to consent to the opening of the reservation, if that is the treatment that is going to be given me by my friends, the white people. In former times they have made agreements and treaties and had dealings with the white people, and I have always consented, one right after the other. Now, this is the only thing I am going to refuse to give my consent to. I am not prepared now for the opening of the reservation for the reason that I have just gotten to farming of the land that I have been given, and the young men of my people are learning to take up work that is expected of them by the Government, and they need the land that they now have for their own use, which they have been using, and as they are progressing toward civilization and know the white man's methods of conducting different things like that, maybe for twenty years. Then I will consider the proposition of opening up the reservation; I will be prepared then to talk the matter over with my friends, the white people. I told you that I came here with one object, and that was the talk over the opening of the land, and I ask you not to talk on anything else on the side, bringing side issues in. Now, about the different Indian tribes, there are some among them who are always looking out for

something that they want to pick a flaw in—pick up something that is to their own benefit—not thinking of the progress of the whole tribe, but picking up flaws and picking up something to hinder their progress. As you see me now I am an Indian. I do not talk English nor write it. I am a Crow Indian. Among my own people where I live I farm at my own place and cultivate it and have orchards and garden truck of all descriptions and raise what I need, as well as raising chickens and pigs and milch cows, and have my stables for those cows, and my house. I am busy attending to those things as an individual Indian. If you doubt my word look at my hands. That is the result of hard work. I travel from one camp to the other, teaching my young men to work, because I have learned to work myself. I came here with a delegation of Indians, the very pick of my tribe, and with proper credentials to appear before this committee with a certain object. Now, another has come without authority. Who sent him I do not know. We are the pick of the tribe and he flew in.

Senator DIXON. Who do you refer to?

PLENTY COOS. One who wears glasses [referring to Joe Cooper.] We got on the train at Crow Agency in broad daylight openly, and let the people see us, that we boarded the train. Ask them to find out whether I got on the train at Crow Agency or somewhere else on the outside of the reservation.

The CHAIRMAN. I will ask you once more if you desire, while you are here, to talk about what is in the bill?

PLENTY COOS. I came here, as I stated before, with full power given me by the whole tribe to act on the bill, and I refuse to consent to the opening of the reservation. I wanted it to appear on the record that it was done, protesting against it.

Senator CURTIS. You wanted to go on record that you protest against the opening of the reservation?

PLENTY COOS. Yes, sir.

Senator CURTIS. And if it is done it is done over your objection, and you speak for the whole tribe?

PLENTY COOS. I speak for the whole tribe. I have with me several boys who can read and write. I, myself, do not read and can not understand the English language and I will leave it to the members of the delegation to take out whatever they wish to take out and add what they wish to add.

Senator DIXON. Add to what?

PLENTY COOS. Add to the bill.

The CHAIRMAN. Will you just point out some one.

PLENTY COOS. I want to leave the matter of amending the bill to the satisfaction of the tribe to Frank Shively, Carl Leiter, James Hill, and David Stewart.

The witness was thereupon excused.

STATEMENTS OF CARL LEITER, JAMES HILL, AND DAVID STEWART.

CARL LEITER, JAMES HILL, and DAVID STEWART were thereupon jointly and severally sworn by the chairman:

James Hill was called.

The CHAIRMAN. State your name?

JAMES HILL. James Hill.

The CHAIRMAN. What is your age?

JAMES HILL. Thirty-two.

The CHAIRMAN. Where do you live?

JAMES HILL. St. Xavier, Mont.

The CHAIRMAN. Are you a graduate of Carlisle?

JAMES HILL. No, sir; I attended Carlisle School, but I did not graduate.

David Stewart was called.

The CHAIRMAN. What is your name?

DAVID STEWART. David Stewart.

The CHAIRMAN. How old are you.

DAVID STEWART. Thirty-three.

The CHAIRMAN. Where do you live?

DAVID STEWART. Crow Agency.

Senator DIXON. Are you a half breed?

DAVID STEWART. Yes, sir.

Senator DIXON. And you too, Hill?

JAMES HILL. I am a full-blood Indian.

The CHAIRMAN. Now proceed and point out the objections that you have to the bill and the amendments which you would suggest. As far as possible let it be done by one man, but at the same time you can all be heard before we get through.

The Indians here consulted togther.

Senator CURTIS. Mr. Chairman, I understand that these Indians would rather take this bill home to-night and point out in writing their objections to each clause. They think it would save time and I agree with them. Would it not be a good idea to have some one who wants to make a statement of his own write it out?

Senator DIXON. I think so. Let them file it as a delegation as a whole.

Senator CURTIS. Now, I suggest that that be agreed to and that we ask them now if any one of them wants to make a general statement about conditions on the reservation, or about opening up the reservation on their own account.

The CHAIRMAN. Mr. Shively, you were heard the other day, but if there is anything you want to add to that you can do so. I wish you would explain to these Indians that we are only a committee and do not know what Congress will do about this matter, but that while they are here they had better look this bill over and let us have any objections that they might have to it, and any amendments that they want to suggest, and that that will not interfere at all with their protest. It will not be any concession on their part, but will simply be before us in case it is decided to go on with the bill. It will not be counted against them at all. Have them understand this. Explain to them the fact that their talk about this bill will not be an admission on their part that they are in favor of the bill. We will still understand that they are opposed to it, so that they need not be afraid to talk about the bill.

(The above statement of the chairman was interpreted to the delegation by Carl Leiter.)

STATEMENT OF SCOLDS THE BEAR.

SCOLDS THE BEAR, having been first duly sworn by the chairman, testified, through his interpreter, Frank Shively, as follows:

The CHAIRMAN. What is your name?

SCOLDS THE BEAR. Scolds the Bear.

The CHAIRMAN. How old are you?

SCOLDS THE BEAR. Thirty-six.

The CHAIRMAN. Are you a Crow Indian?

SCOLDS THE BEAR. Yes, sir; I am a typical Crow.

The CHAIRMAN. Are you a full blood?

SCOLDS THE BEAR. Full blood

The CHAIRMAN. Now you can make your statement.

SCOLDS THE BEAR. Are you the president of this committee?

The CHAIRMAN. It is the same thing. I am chairman.

SCOLDS THE BEAR. Among the Crow Indians we have a big chief also—Plenty Coos. When there is a gathering of chiefs like this of their own, all the statements that they make are the truth; nothing else is spoken at all. The truth is only to be used in a meeting like this between man and man. The land proposition is a great big thing to us. When McLaughlin held the council at Crow Agency they talked to him very openly, hiding nothing back. Now we are here on that footing, keeping back nothing, showing you very plainly the whole thing, and they are expecting to be treated in a like manner. The delegation is here, the very pick of the whole tribe, headed by the chief of the whole tribe, to protest against the opening. I consider myself far better than any other Indians of the Northwest. To show you, since Agent Reynolds has been among us we have worked with him, and we have proved ourselves far above the average of the Northwestern Indians—that is, the Crow Indians. They have heretofore deeded land after land until now it only remains a very small tract, just suited to the pastoral purposes of the tribe, and using the bottom land for themselves, using the hills for their own horses and cattle, and expecting to have children to come in the future to have land like the present members. The delegation here headed by Chief Plenty Coos, comes here and he has made several statements already, strenously refusing to give his consent to the opening of the reservation, and I have heard those refusals. Those statements are the voice and the sentiment of the whole tribe, and he so stated. As the question advances we do not want to let our land slip away from us and turn around and board a train and go back to our people. As for myself, I have some allotments under the ditch. I have five allotments in my own family—five forties instead of five allotments.

The CHAIRMAN. Five forties under irrigation?

SCOLDS THE BEAR. Yes, sir; I have one, and my wife one, and each of the children has one, and I cultivate each of those forties myself.

The CHAIRMAN. What do you do with the other two?

SCOLDS THE BEAR. The other forties have very little irrigation on them. The irrigation ditch goes right through one of them and I live in a small portion.

The CHAIRMAN. How near do you live to the agency?

SCOLDS THE BEAR. I do not know exactly the mileage, but I live just below Lodge Grass. It is about 19 miles from the agency to my own place.

The CHAIRMAN. Did you raise any grain last year?

SCOLDS THE BEAR. I raised hay, alfalfa, and grain, and I have a haystack, two or three hay stacks, all comprising about 75 tons of hay.

The CHAIRMAN. How much stock have you?

SCOLDS THE BEAR. About 200 head of cattle and 30 head of horses.

The CHAIRMAN. Did you sell any stock last year?

SCOLDS THE BEAR. I sold several head of horses.

The CHAIRMAN. Did you sell any of your crops last year?

SCOLDS THE BEAR. Yes, sir.

The CHAIRMAN. About how much did you get for the horses and crops that you sold last year?

SCOLDS THE BEAR. One hundred and forty dollars for seven head of horses; three of them were yearlings.

The CHAIRMAN. Did you sell any hay or alfalfa or grain?

SCOLDS THE BEAR. I sold a stack of hay and it brought me $150.

The CHAIRMAN. Did you sell any grain?

SCOLDS THE BEAR. I sold 30 sacks of wheat.

The CHAIRMAN. Did you get any wheat ground at the mill?

SCOLDS THE BEAR. Yes, sir.

The CHAIRMAN. Now, when you sell your hay or horses, or wheat, do you go to the agent to get permission to sell them?

SCOLDS THE BEAR. I do my business just like you do yours; just like you sell your own property, I sell mine. I do not go to the agent. It is my personal property, and I can do whatever I please with it.

Senator DIXON. You have 200 acres of irrigated land allotted to you, I understand?

SCOLDS THE BEAR. Yes, sir.

Senator DIXON. How much nonirrigated land have you allotted to yourself and family?

SCOLDS THE BEAR. I can not tell exactly the acreage. I was shown the boundary of my grazing land.

Senator DIXON. It would be five one hundred and twenties, would it not? There are five allotments irrigated. It would be 600 acres apiece, would it not?

SCOLDS THE BEAR. Yes, sir.

The CHAIRMAN. That makes 800 acres allotted to yourself and family, that consists of yourself, wife, and two children.

SCOLDS THE BEAR. Yes, sir.

Senator DIXON. How many dead allotments are you interested in?

SCOLDS THE BEAR. One.

Senator DIXON. How many acres?

SCOLDS THE BEAR. I am allotted dead land along my grazing allotments. It was not under the irrigation.

Senator DIXON. But how many acres in this dead allotment—160, or 140, or what?

SCOLDS THE BEAR. I do not know the acreage, but it would be 160.

Senator DIXON. You have not sold that yet?

SCOLDS THE BEAR. No, sir; I have not sold it yet.

Senator DIXON. That makes 960 acres that you and your family, consisting of yourself, wife, and two children, now own on the reservation that has been allotted?

SCOLDS THE BEAR. Yes, sir.

JAMES HILL. There are several others interested in it with himself.

Senator DIXON. How many are interested in it besides yourself?

Senator CURTIS. That is inherited land.

JAMES HILL. I know; the whole tribe. He has brothers and sisters.

Senator DIXON. How many of them are there?

SCOLDS THE BEAR. That dead allotment belongs to myself, my brothers and sisters. It belongs to others besides myself.

Senator CURTIS. Have you anything else to say?

SCOLDS THE BEAR. Just one thing more. I came here, as well as the other delegates, with one object; and you made the statement the other day about something that I had heard.

The CHAIRMAN. Who made the statement?

FRANK SHIVELY. Senator Dixon.

SCOLDS THE BEAR. The statement was made that the dam would be built at Big Horn canyon, using the Crow Indian money. I did not expect that of you or anybody else—to make a statement like that. That is Crow money, if it is any, and using that money for some other class of land, I am going to put a strenuous kick against that.

Senator DIXON. That is what we want to discuss in this bill with you. This money that was to be put in the dam—the land is to be sold and the money paid back to the Indians, the Indians not to lose any of their money.

SCOLDS THE BEAR. Expend the money for something, and my own money, and still waiting to be paid, putting me off, putting me off, from time to time; I can not see it that way.

Senator DIXON. That is what we want to hear you talk about.

The CHAIRMAN (to the interpreter). You may say this to them, that they need not have any worry about the dam being built out of their own money; that the committee will not recommend that, anyhow.

The above being interpreted,

SCOLDS THE BEAR. I have a head gate right below that proposed dam. The dam is built of stone and you raise it and the water is raised, and when the springtime comes and the ice is formed, and we have thick ice in that country, and when the freshet comes you can not tell what the Big Horn will do. It is a very big river. It comes and goes, knocking this dam as well as my own dam. There are people living in that valley who have horses and cattle and there are school children, and they are all drowned.

Senator DIXON. He is afraid of the dam breaking and washing things away. If the proposition about building the dam and using the Indian money is taken out of the bill, will that make you feel considerably better? If we take out of this bill the proposition to build the dam with Indian money, will that make you feel better?

SCOLDS THE BEAR. Yes, sir.

Senator CURTIS. Would you still object to the opening of the reservation?

Senator DIXON. If the Indians get their money straight.

SCOLDS THE BEAR. As I understand you, would the Indians still object to the opening of the reservation?

Senator CURTIS. Yes; in case the Government would agree not to use any of their money to build the dam; that is, if they sell the dam and give them the proceeds of it.

SCOLDS THE BEAR. No; I would still protest. It is the same proposition as the 1904 business. I was told when the promise was made that I would get the money for that. I am afraid this business will be the same thing.

Senator CURTIS. That is, you have not received anything from the 1904 land?

SCOLDS THE BEAR. I received something for that sale, but not the biggest portion of it.

Senator CURTIS. Were not the Indians informed that, after their agreement came down here and Congress changed it so as not to require Congress to pay them so much cash for it, but simply to pay them what they would get from the land when it was sold—in short, were they not informed that, instead of the Government paying them $1,100,000 for the land, that the Government would sell the land and give the Indians every dollar it received from the settlers? Did not the Indians understand that up there?

SCOLDS THE BEAR. They heard about it.

Senator CURTIS. Did they hear about it before the change was made?

SCOLDS THE BEAR. I heard about it.

Senator CURTIS. Now, it is plain that that will bring the Indians a great many more dollars than it would if they had sold it for $1,100,000—that they will get much more money.

SCOLDS THE BEAR. Yes, sir.

Senator CURTIS. It is claimed by those who have looked into the question that if the Indians are paid the amount of money to be received from the land, instead of giving them $1,100,000 they estimate that the land will bring $2,400,000—more than double.

SCOLDS THE BEAR. I understand it now.

Senator DIXON (through Carl Leiter, interpreter). Tell them, under the law as it passed, for five years nothing but homesteads at $4 an acre—for five years from last July—nothing but homesteads at $4 an acre under the homestead law; that they paid the Indians just the same.

(The above was interpreted.)

Senator DIXON. Tell them that the homestead entries now made under the Huntley ditch and scattered over the reservation now amount to over $400,000. From 100,000 acres, one-tenth of them, it will give them over $400,000.

(The above was interpreted.)

Senator DIXON. Tell them that that leaves 1,000,000 acres to be sold to the high bidder four years from now, and that it ought to bring an average of $2 an acre, making over $2,000,000.

(The above was interpreted.)

Senator DIXON. Tell them that at the end of four years, when this is sold in the 640-acres tracts to the high bidder, that I think all the people who know about it believe that the Indians will get more than $2 for every $1 they agree to sell it for.

(The above was interpreted.)

Senator DIXON. Tell them that four years ago when this law was passed I took it to the President before we fixed the price at which to sell the land.

(The above was interpreted.)

Senator DIXON. And that we fixed this higher price than they agreed to sell for because they have to wait in order to get the money, and we thought it was right that they should get more money because they had to wait.

(The above was interpreted.)

Senator CURTIS. Tell them further that the Government used to take the land from the Indians and pay them from 10 cents to 70 cents an acre for it, and then sell it for $1.25 an acre, and the Indians would come back in a few years and claim that they were entitled to the difference, and a few years ago the Government changed its policy so as to give the Indians all the money it received for the lands so sold that they had formerly owned.

(The above was interpreted.)

Senator DIXON. Carl, tell them under this bill now, instead of fixing a price per acre, Congress takes five men, two Indians, two white men, and an inspector to go over each farm and put the price on it.

(The above was interpreted.)

Senator DIXON. Tell him those five men—I understand they would rather have three instead of five, is that right?

SCOLDS THE BEAR. I heard it said that they wished to cut down the number of men from five to three.

Senator DIXON. My judgment is that it ought to be five.

Senator SUTHERLAND. Why do they want three instead of five?

Senator DIXON. Because somebody told them it would cost more. Carl, tell him these three or five men, whichever may be determined upon, go all around the reservation for one year—it takes a year to look at every piece of land, come across a good piece of land, and they put it down in the book how much it sells for, and a piece that is not so good they put down something else—that is, on every 160 acres on the reservation.

(The above was interpreted.)

Senator DIXON. I think this committee ought to indicate to these men while they are here that the policy of Congress is to open up all reservations, so that they won't go home and say because they did not want it open that will end it. Carl, tell him in the event the reservation is opened they can not tax their allotments for twenty-five years to come—just the same as it is now. You can not tax the Indians.

SCOLDS THE BEAR. We know that.

STATEMENT OF BIG MEDICINE.

BIG MEDICINE, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. What is your name?

BIG MEDICINE. Big Medicine.

The CHAIRMAN. How old are you?

BIG MEDICINE. Fifty years.

The CHAIRMAN. Where do you live?

BIG MEDICINE. Crow Agency.

The CHAIRMAN. Are you a full blood?

BIG MEDICINE. Full blood.

The CHAIRMAN. Now you may proceed with your statement.

BIG MEDICINE. I want to make a very few words, to tell the truth. My grandfathers and grandmothers are all full-blood Indians, as I am now. Whenever I wanted to know anything or learn anything I would receive it from my father and grandfather. It was told down the family tree. It was handed down to me from my great-grandfather that I was not to do anything that was bad. I am here with the delegation from the Crow tribe and I appear before this committee openly and would like to be treated very openly to find out these things and report on them. The policy of the Government is to educate the children of the Indians; educate them so they won't use their memory alone, but use everything in writing so they can remember things to read them in their advancement. I remember those things that have been told to me by the Government and I still keep them, and the different things that I am told by the Government that are proper for my own good. I accomplished those things that I was told to do and to show you the result of that by Carl Leiter, Frank Shiveley, James Hill, David Stewart, and George Pease. They have learned white men's ways; learned to read and write, thereby retaining what is told them in writing if it is necessary, and these are not the only ones. There are a whole lot of them at home just like them. Now the educated boys. Those are mentioned and others that are at home. Plenty Coos and myself like them because they do not lose their heads over some trifling thing. They keep their heads and keep their feet, and those are the boys that I depend upon. These other boys lose their heads and feet. I want to impress upon you that these are what I believe and want you to believe the things that I say. Did not the Government expend large sums of money for the education of the Indian boys, and if one of them proves himself to be not what the Government expects them, but looking after something else and not looking after his own interests, and meddling with somebody, the Government made a bad investment in that case. They should not be here. When the young man with all his education, caring nothing for his own interest, but meddling with other people and everybody else, they should be treated in a manner as their position holds as they indicate to all appearance. I do not want anything to do with them. Whenever a man does anything that is right and does his work and proves himself a man, he ought to be heard and treated like a man ought to be treated. Now, you have two persons on the Crow Reservation that we all look up to, the Crow Indian agent and Chief Plenty Coos. We all like them. There is a class of people out there that have not reached the full stature of man and received wisdom as a man. They are making all this side talk proving nothing; making all these statements. The mental faculty is not developed and they should not be here, because they are just like children. I want you to remember the statement that that class of people are out there in my own country looking for the trouble of everybody else and not looking after their own interests and not thinking of the interests of the whole Crow tribe, and when any statement of anything comes up to his body that would do any harm to the best class of people out there they should not be considered.

Senator DIXON. To whom do you refer?

BIG MEDICINE. Joe Martinez and Joseph Cooper—those boys. They do not know very well what they are talking about, and until they know fully what they are talking about then they can be heard, but only they do not, and are just talking because they want to talk. They should not be heard.

The CHAIRMAN. Among our people we have to let the children talk as well as the men, and thus we decide what to do about it. How near do you live to the agency?

BIG MEDICINE. Very near.

The CHAIRMAN. How much of a family have you?

BIG MEDICINE. Myself, my wife, and three children.

The CHAIRMAN. Are not all your children going to school?

BIG MEDICINE. Two of them are going to school, but the third one is married.

The CHAIRMAN. How much land have you and your family?

BIG MEDICINE. Two 40's of my own under the ditch and one belonging to my wife, and others all under irrigation.

Senator DIXON. How much irrigated land is there in your family—how many acres have you under the ditch, of irrigated land?

BIG MEDICINE. I have 80 acres of my own. All the other is my wife and children's but 40.

The CHAIRMAN. But the children that are married, they would have that separate, would they not?

BIG MEDICINE. Yes, sir.

Senator DIXON. You have 80 acres and your wife 40 and the children 80?

BIG MEDICINE. Yes, sir.

Senator DIXON. That would make 200 acres of allotted land for yourself and wife and children.

BIG MEDICINE. Yes, sir.

The CHAIRMAN. Do you farm that land?

BIG MEDICINE. One 40 is in alfalfa.

The CHAIRMAN. Do you farm any of the rest of it?

BIG MEDICINE. I put in a crop of wheat last year that turned out to be foul, so they cut off the hay and sold it to the white man.

The CHAIRMAN. How much stock have you?

BIG MEDICINE. Fifteen head of horses and eight head of cattle.

The CHAIRMAN. Did you sell any last year?

BIG MEDICINE. I sold all the horses four or five years back and two years ago I ran out excepting my own, so I did not sell any land last year.

The CHAIRMAN. When you sell any stock or crops you do not have to ask about it.

BIG MEDICINE. I do it myself. You are my people and my friends. I love you people, the white people. The Senator from Montana [Mr. Dixon] represents the whole State of Montana. I love you.

Senator DIXON. I want to see you get a square deal just as well as the white fellows out there.

BIG MEDICINE. I speak the same to Senator Curtis as the statement made to you. The reason why I do not is I appeal to you to give us all the assistance you can in holding that land for us.

The CHAIRMAN. We can not say what Congress will do about this bill, but the general policy of the Government is to open up these reservations so that each Indian will know just what land he is to get

and then the balance of the land is sold, and whatever the Government gets out of the land it pays over to the Indians. That brings in white people and helps to make a market for their stuff; it gives them the advantage of learning the white man's ways, and the general purpose and policy of the Government is to open up reservations, but when we come to draw the bills for opening reservations we are glad to talk with you and like to have you tell us just what you want in the bills, what you object to in the bills; and for that purpose we have asked you to come here to-night with a stenographer so that he can take down your statement and you can give it to us in the morning written out. We want to try to be perfectly fair with you in dividing this up and seeing that you get the money for your land.

(The witness was thereupon excused, and the committee adjourned until to-morrow, Wednesday, April 8, at 10 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
April 7, 1908.

Meeting of Crow Indians at 7 o'clock p. m.

Present: Lee F. Warner (clerk), Plenty Coos, James Hill, Joseph Cooper, David Stewart, Looks With His Ears, Big Medicine, Frank Shively, Carl Leider, Scolds the Bear, and George Pease.

The CLERK. As clerk of the committee, the chairman has directed that I meet here with you for the purpose of going over, section by section, Senate bill No, 2963, relating to the opining of the Crow Reservation, and have the reporter take any suggestions which any member of the delegation wishes to make. The bill will be read in English, one section at a time, and carefully interpreted by the English-speaking Indians.

Mr. SHIVELY. We are here to consider this bill before it passes the Senate, whereby we can revise and amend to the best interests of the Crow tribe as a law.

Section 2 reads: "That so soon as all the lands embraced within said Crow Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said CrowIndians, who have not heretofore received allotments of land, under the provisions of the allotment laws of the United States."

After a general discussion Mr. Shively says further: There are now four or five hundred dead Indians and they selected their allotments in good faith, under the treaty of 1882—that is, five years before the general allotment act of 1887. The Indians had a council and devised this treaty of 1882, by themselves together with a Government official, and we wish to file this paper without saying anything further in the matter in connection to the dead Indians.

Paper offered and marked.

Beyond that statement that is simply a sample of the condition existing at that time. We can present more if we are called upon, but that is what we want to put in on section 2, calling for persons who have the tribal rights and who have not heretofore received allotments under the provisions of the allotment laws of the United States.

Have you any desire to further change any of the words of that section?

PLENTY COOS. He says that he has no desire to give away any part of the reservation at all; but if the reservation is to be taken, the reservation is sacred to him by reason that his dead are there and they remain as sacred to him as well as the remainder of his tribe, and by that reason, if there is any modifying to be done, all the dead Indians who have rights upon the Crow Rerervation since 1882—the treaty of 1882—who have not received allotments are to be given allotments on the same basis as those that are living, and this is the concise form:

"SEC. 2. That so soon as all the lands embraced within said Crow Indian Reservation shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments to be made to all persons having tribal rights with said Crow Indians, who have not heretofore received allotments of land, including all the Crow Indians who lived and died between the date of the agreement of April 11, 1882, and December 31, 1906, the latter date indicating the finish of the Crow allotment by John K. Rankin, United States allotting agent."

Section 3 is then read and freely discussed.

LOOKS WITH HIS EARS. That is the way he wants to make his statement. There is now existing on the Crow Reservation five separate districts, and he wishes to make amendment to section 3 of the bill to the extent that instead of 5,000 acres of timber land because all the Indians wanted 25,000 acres, by reason of the districts being situated far apart and they can not get their timber and lumber and wood from one common point and each district would want to have one place near by where they could select their timber for their own use for that particular district, and he wants to amend the bill to the extent that each district shall be given fair treatment as far as the selection of wood for their common use. This is his concise form:

"SEC. 3. That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed, and as long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, and in addition thereto not to exceed 5,000 acres of timber lands for the common use of said Indians."

He wants to change that 5,000 to 25,000 acres of timber land for the common use of Indians, "by reason of there being five separate districts on the Crow Indian Reservation, and each district is to control 5,000 acres of timber lands selected by the members of the tribe of Indians in that same district."

The CLERK. Do any of the rest wish to say anything before going to the next session?

DAVE STEWART. The Indians live upon the reservation, not in communities; they are living upon allotments separately and far apart from each other; but the reservation is divided into five districts and each district desires to have one place or two or three small places together in that same district wherein they can get timber and wood for their own use. The reservation is so situated that they are far apart in the matter of living and it would inconvenience them very greatly for them to go 75 miles to the mountain to get timber and logs or anything else, and that each district should have reserved for it a tract of land of 5,000 acres wherein they can get the timber and wood and logs for their own use, convenient and adjacent to that same tract.

The CLERK. It is now 10.30 and we have to adjourn in a few minutes so as to be here to-morrow morning. Do any of you wish to make a statement in a general way upon the bill before you go, as you may not have a reporter when you meet the next time?

PLENTY COOS. We have been here since 7 o'clock discussing among ourselves very thoroughly sections 1, 2, 3, and 4, but section 4 is not finished yet. That shows how big a proposition it is. It is not a very small thing in itself; it is a big proposition we are discussing for the whole tribe and we want to do it very thoroughly, and we want to be on record that we are doing our duty for the Crow tribe; therefore I wish to have to-morrow to discuss it and finish the bill, taking the remainder of the sections that we have not discussed and read the bill right through to the end of it.

The CLERK. We will now adjourn until 10 o'clock to-morrow, and I think a room will be provided where you can go and further discuss the bill and then make your report to the whole committee.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
April 8, 1908.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (chairman), McCumber, Gamble, Sutherland, Curtis, Brown, Dixon, and Paynter.

The CHAIRMAN. Mr. Secretary, I observe that you are here, and Mr. Commissioner Leupp, and I think this is Mr. Dalby.

Secretary GARFIELD. Mr. Dalby; yes, sir.

The CHAIRMAN. Now, it was sort of understood that this morning we would take up such matters as the Department or Mr. Dalby might care to submit, and I would suggest that you indicate the order in which you prefer to take them up.

Secretary GARFIELD. I think probably the logical order would be for me to make a brief statement of exactly what the Department has done in connection with this investigation. Mr. Leupp will make such statements as he desires to make; and Mr. Dalby is here, and he can give you the details of this investigation at first hand, as he has been the man who has been responsible for the work in the field.

The CHAIRMAN. Very well. You may proceed, Mr. Secretary.

STATEMENT OF HON. JAMES RUDOLPH GARFIELD, SECRETARY OF THE INTERIOR.

Secretary GARFIELD. The matter was first brought to my attention by the President introducing me to Mrs. Grey at the White House, and I there talked over with her the general statement that she desired to make, and the result of that conversation was that she afterwards prepared the written statement of charges which were presented at the hearing a few days ago.

Thereafter I determined to send Mr. Dalby as the inspector to make this investigation. I had him meet Mrs. Grey, and they went over the details of the charges. I explained to Mrs. Grey who Mr. Dalby was. He was a man in whom I had every confidence; he had been my private secretary—a man who had had experience in making investigations both in the Civil Service Commission, where he originally was, in the Department of Commerce and Labor with me in the Bureau of Corporations. I afterwards had him appointed one of the special agents in the Bureau of Corporations, and from there I had him transferred as an Indian inspector. Mrs. Grey expressed herself as satisfied with the manner in which we were taking up this investigation, and it was agreed that she should meet Mr. Dalby on the Crow Reservation and proceed with the investigation along the lines that he and she had determined upon.

Mr. Leupp told me of the statement made to him by Mrs. Grey as a portion of the charges, namely, alleging that he had been influenced because of the fact that he had gone to the reservation under circumstances which Mrs. Grey felt were not proper. The moment Mrs. Grey had made this statement to Mr. Leupp he so advised me. He said, therefore, he could not personally have anything further to do with the investigation; that if she had these charges to make against him that he was as much under investigation as Mr. Reynolds or any other person, and he would therefore withdraw from it and leave the matter entirely in the hands of the Secretary. He advised me of this, and thereafter he had nothing to do with the investigation.

Mr. Dalby went into the field, and he will give you a full statement as to what occurred there. I have it only from the reports that he sent me, the full report of which was included in the copy I left with you several days ago; and such other portions of that report, or subsequent reports, I will have filed, taking them, or copies of them, from the original files in the Department, and they will speak for themselves.

That was the last that I had to do personally with this matter until I was in the West last summer. Mrs. Grey stated the other day in her testimony before the committee that I had seen the chief of police at Billings and had made certain remarks to him about her character, and that it was under my directions that certain things occurred in the way of watching her there. As to that, I simply desire to say, as I did the other day, that there is not a word of truth in the statement. I had not seen the chief of police. I did not reach Billings until the morning of the day of the opening of the Huntley project. I did not see Mr. Dalby, except merely to say "how do you do" to him, until that evening, when he then made a report to me of the conditions. I did not even know until after that evening that Mrs. Grey was in Billings; and her surmises regarding

what she thinks was ordered done by me are based entirely upon suspicion, which is without foundation in fact.

I found on my desk this morning a clipping from one of the Billings papers, and while it is not testimony I notice that there has not been the nicest distinction between hearsay and original testimony, and I will therefore read this. It is a statement that appears in one of the papers of Billings [reading]:

BILLINGS, MONT., *April 2.*

Chief of Police Talgo, who arrested Mrs. Helen Pierce Grey in Billings, to-night declared as untrue her statement that Secretary Garfield had told him that she was a dangerous blackmailer and adventuress.

Chief Talgo says he has never met Secretary Garfield, and would not know him if he met him.

I only speak of this matter as it was one of the specific things that I heard Mrs. Grey say the other day when I was here. I shall not attempt to go into further detail with her testimony before the committee. It will speak for itself, and the record of the Department as presented and the statement of Mr. Dalby, who was present during all these questions that arose on the reservation and during the whole conduct of the investigation, will be the testimony which the committee of course will most desire to hear, because it is at first hand.

Senator SUTHERLAND. Mr. Secretary, you may have covered the matter before I came in, and, if so, the question need not be answered. Something has been said here with reference to Mr. Dalby—that he was a man of no experience whatever in Indian matters; that he was a clerk in the office, a stenographer. Have you said anything about that?

Secretary GARFIELD. I stated what his record was. He had never been engaged in Indian matters before, but he has been engaged in various other matters.

Senator SUTHERLAND. That has been stated?

Secretary GARFIELD. Yes; that has been stated.

The next personal touch that I had with this matter was at Helena, where Mr. Dalby met me and made a further report, verbally, which was later incorporated in his written report, regarding the actions of Mrs. Grey and the conditions on the reservation. At that time the question of her arrest was discussed with Judge Hunt and with the district attorney, and while it was agreed by those gentlemen present that the facts as presented by the inspector justified the presentation of the case before the grand jury or before a commissioner, I directed that no action of that kind be taken at that time, and that an arrest be not made unless Mrs. Grey continued to either violate the law or cause disturbance on the reservation. Mr. Dalby will give you the details of what occurred thereafter. They were not in my presence, and I have only the record. After my return from the West these reports were before me, and there was likewise the report from the Indian Rights Association, in the form of a complaint, signed by the members of the association. As a result of the complaint filed by them, I had a hearing in my office, at which the representatives of the Indian Rights Association and Mr. Leupp and Mr. Brosius and Mr. Dalby were present, and the record of that hearing I will leave as an exhibit in this case.

(The paper was marked "Exhibit J. R. G. No. 3" and appears in another part of this record. See p. 709 et seq.)

I stated in general to the Indian Rights Association that is was my desire that we should cooperate in all matters affecting the Indian; that I knew the history of their association and their purposes in making investigations, and that it was my desire that we might cooperate in such a way as to most effectively find out where things were wrong, and what remedies might be applied; but that in making these investigations and in hearing these charges I desired them to understand that it was idle to present mere hearsay or mere rumor or gossip and that I should expect them and their agents to deal frankly and fairly with me; that if they found anything wrong, of course I wanted to know it; that if affairs of the various reservations were being ill conducted, it was my desire to know who was at fault, and what the fact was, and that we could only get at those facts, if they had reports of that kind, if their agents were perfectly frank with my agents, and with the Department; that I appreciated the difficulties of any investigation of this kind, and that I desired in every way to be of assistance to them, but that I could not permit them or their agents to be upon the various reservations for the purpose of causing unnecessary disorder or trouble; that, in regard to the facts as developed on the Crow Reservation, if they would present to me any statements or any charges based upon other than hearsay or mere rumor, I should, of course, be very glad to go into any examination or any investigation, and that if their attack upon the report made by Mr. Dalby was based upon facts, I should not, of course, deny them their request to have a further investigation. I told them that if Mr. Dalby had failed to get the truth, I wanted to know it quite as well as they, and that if the conditions on the Crow Reservation even approximated the conditions as alleged by Mrs. Grey and as alleged by Mr. Brosius, there was need of a further investigation.

They were unable to give me any further facts, and if you have occasion to read the statement made by Mr. Brosius I think you will probably reach the same conclusion that I did, namely, to the effect that it was not shown necessary to reopen this investigation on the Crow Reservation. I, however, did not preclude them from taking it up at any other time or presenting any further facts to me or to the Commissioner. They at that time disclaimed any relation or connection with the charges made by Mrs. Grey or in the interest of Mrs. Grey or her work there.

The record shows that in one particular point—namely, the statement made by Mr. Brosius, based upon what he claimed to be a letter from the missionary, Mr. Burgess—they declined to allow me to see that letter or in any way know what the basis of the statement made by Mr. Brosius was.

The CHAIRMAN. Mr. Secretary, that, you say, appears in the record "Exhibit J. R. G. No. 3?"

Secretary GARFIELD. That occurs in the "Exhibit J. F. G. No. 3."

Thereafter the grand jury was called in Montana, and the action of the grand jury has been presented to the committee by Mrs. Grey or by Mr. Dalby. I have not read the statements of Mrs. Grey through to see what she did introduce in that regard.

That, I think, completes the general statement that I desire to make regarding my personal actions in connection with this case.

I can only say to the committee, as I have said to Mrs. Grey primarily, and as I said to the Indian Rights Association during the various hearings that I have had with them, that if there is anything wrong on the Crow Reservation I want to find it out; that if they had any facts to present they will be most thoroughly and carefully investigated. If there are any charges to be made against Mr. Reynolds or any other employee of the Department and the Bureau, if these charges are based upon statements that seem to have a grain of truth in them or are presented by persons who are responsible and are willing to back up those statements, the investigation will be made, as it has been made hitherto. If there are any new facts presented, they will be investigated in the same way. The Department has nothing to conceal. The records of the Bureau were open to Mrs. Grey, and are still open to her or to anybody who desires to make a thorough and fair examination or investigation of those conditions.

I am advised by Major McLaughlin, one of the oldest inspectors in the Bureau, whom I sent there to go over these matters with Mr. Dalby, to go over his report and to go on the reservation in connection with the other matter concerning which he has made report, and to give me his opinion of conditions on the reservation and whether or not the investigation made by Mr. Dalby was an investigation that seemingly brought out the truth and the facts, that he thoroughly agreed with the report made by Mr. Dalby; that he found the conditions on the Crow Reservation better than they had been in many years, and that in his opinion no further investigation of the charges made could be of any benefit, either to the Indians or to the Department.

I think that is all that I desire to say, Mr. Chairman, unless there are some questions you desire to ask me.

Senator CURTIS. What is your practice, Mr. Secretary, with reference to permitting officers of the Indian Rights Association to visit Indian reservations?

Secretary GARFIELD. The practice is to permit them to go as any other people would go upon the Indian reservations, so long as they did not cause disturbance of any kind. If a reservation is peaceful, and the Indians are leading their ordinary lives, there is not the slightest question. The Indian Rights Association officers go there, and it is the purpose of the Department to give them every facility to find out what the conditions on the reservation are.

Senator CURTIS. Do you know anything about representatives of the Indian Rights Association being prohibited from going on the reservations and investigating these things?

Secretary GARFIELD. I have only the record of the action taken by Mr. Miller, who was in charge of the reservation at the time, in the absence of the agent, Major Reynolds, in Helena, at a meeting of the grand jury, and that record speaks for itself.

Senator CURTIS. How about Mr. Brosius—was he prohibited from making an investigation?

Secretary GARFIELD. He was not. Mr. Dalby will give you the facts. I am speaking here from hearsay. He was not prohibited by me.

Senator CURTIS. What I mean and what I want to find out is, is it the practice of your office to permit representatives of this association

to make any reasonable investigation they may desire upon Indian reservations?

Secretary GARFIELD. It is. I understand that it has been the practice of the Department, and it still is under my administration. I have stated to these gentlemen at different times, and to their representatives, that if the conditions on the reservations were such as to make it injurious for the Indians to have any persons conducting an independent investigation on any subject, I should deal with that condition as the occasion required; but that the general rule would be that they could go without let or hindrance, and that, moreover, our officers would give them every facility as long as they conducted themselves properly and in a reasonable manner.

Senator CURTIS. I understood you to say in your statement that you took no action while in Billings to have the police or any other person watch or follow Mrs. Grey, and had no conversation with anyone with reference to her that day; is that true?

Secretary GARFIELD. I took no action whatever about it. The only conversation I had about Mrs. Grey was the report Mr. Dalby made to me at the end of the day.

Senator CURTIS. That is, that night, I understand?

Secretary GARFIELD. Yes; in the afternoon, rather.

Senator DIXON. Did you at Billings, Mr. Secretary, have anybody shadow Mrs. Grey so as to prevent her going down to the opening of the Huntley project?

Secretary GARFIELD. No, sir.

Senator DIXON. Were you aware at that time that she was in Billings?

Secretary GARFIELD. No, sir; not until in the afternoon.

Senator DIXON. Until after you had returned from the Huntley project?

Secretary GARFIELD. Yes, sir; not until after I had returned from the Huntley project.

The CHAIRMAN. Mr. Sniffen, if you have any question that you would like Secretary Garfield to answer, you may submit it to the committee.

Mr. SNIFFEN. I should like to ask Mr. Secretary Garfield if the conditions on the Crow Reservation at the time of my attempt to go there were such as to preclude any independent investigation?

The CHAIRMAN. Mr. Secretary, you have heard the question and you may regard it as the question of the committee.

Secretary GARFIELD. I should prefer that the answer to that question be made either by Major Reynolds or Mr. Dalby. I have no personal knowledge of the conditions on the reservation at that time other than those shown by the reports made.

The CHAIRMAN. Any further questions?

Mr. SNIFFEN. Mr. Secretary Garfield states that he would investigate any charges or statements that we might present regarding the conditions on the reservation. I would like to know if there is any way by which we can get those charges or accurate knowledge as to those conditions without having access to the reservation itself?

The CHAIRMAN. You may regard the question as the question of the committee.

Secretary GARFIELD. If Mr. Sniffen will recall, I qualified the statement regarding the investigation of charges, basing them, first, upon

I can only say to the committee, as I have said to Mrs. Grey primarily, and as I said to the Indian Rights Association during the various hearings that I have had with them, that if there is anything wrong on the Crow Reservation I want to find it out; that if they had any facts to present they will be most thoroughly and carefully investigated. If there are any charges to be made against Mr. Reynolds or any other employee of the Department and the Bureau, if these charges are based upon statements that seem to have a grain of truth in them or are presented by persons who are responsible and are willing to back up those statements, the investigation will be made, as it has been made hitherto. If there are any new facts presented, they will be investigated in the same way. The Department has nothing to conceal. The records of the Bureau were open to Mrs. Grey, and are still open to her or to anybody who desires to make a thorough and fair examination or investigation of those conditions.

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Mr. SNIFFEN. Mr. Secretary Garfield states that he would investigate any charges or statements that we might present regarding the conditions on the reservation. I would like to know if there is any way by which we can get those charges or accurate knowledge as to those conditions without having access to the reservation itself?

The CHAIRMAN. You may regard the question as the question of the committee.

Secretary GARFIELD. If Mr. Sniffen will recall, I qualified the statement regarding the investigation of charges, basing them, first, upon

whether or not there was a prima facie case or presumption that the charges were based upon facts, and, second, that they were presented by a responsible person.

In answer to his question as regards this particular reservation, if the stenographer will kindly read me that question I will answer it.

(The question was repeated.)

Secretary GARFIELD. I should say that access to the reservation would be advisable as well as necessary.

The CHAIRMAN. Any further questions, Mr. Sniffen?

Mr. SNIFFEN. I think that is all.

The CHAIRMAN. Mrs. Grey, have you any questions you desire to submit? If you have, you may submit them to the committee.

Mrs. GREY. Since this newspaper clipping has been introduced, I should like to ask what paper that was taken from.

The CHAIRMAN. You may consider that as an inquiry of the committee, and answer it, if you know.

Secretary GARFIELD. The heading as given to me by the clipping is the Albuquerque Morning Journal of April 3, 1908, and seems to be a telegram from Billings, Mont.

Mrs. GREY. You do not know what paper it comes from in Billings?

Secretary GARFIELD. I do not. I do not know that it comes from a Billings paper; it is simply a telegraphic statement which appears in the Albuquerque Morning Journal.

The CHAIRMAN. Is there any other question you would like to ask Secretary Garfield?

Mrs. GREY. Yes. Secretary Garfield says he did not at any time make any personal remarks about me. Will you ask him if he said before the Indian Rights Association committee that I was an adventuress or if he did not?

The CHAIRMAN. Mr. Secretary, you have heard the question, and you may consider it as the inquiry of the committee and may answer it.

Secretary GARFIELD. The record which I have presented to the committee will show every remark that I made about Mrs. Grey. It will speak for itself. I do not recall the different statements made at that time. The record will indicate them.

The CHAIRMAN. In the record, you mean?

Secretary GARFIELD. Of the hearing.

The CHAIRMAN. In Exhibit 3?

Secretary GARFIELD. Yes, sir.

I notice in a statement made by Mrs. Grey that there has been some question about her connection with the Chicago Record-Herald, and I desire to submit here a telegram received from Mr. Dalby as the result of her first arrest, and the letters I received and sent thereafter in connection with that telegram. I received a telegram from Inspector Dalby dated June 3, 1907, which reads as follows:

CROW AGENCY, MONT., *June 3, 1907.*

GARFIELD, *Secretary Interior, Washington, D. C.:*

I permitted Helen Price Grey to return to this reservation on May 24 to consult with the Indians and submit to me the names of those who could testify to facts tending to establish the charges which she made to the President and to represent the Indians if they desired in bringing forward evidence before me. She has failed to present the names of any witnesses, although I have twice extended the time given her for that purpose. Discovering her manifest bad faith and evident intention to impede and delay the investigation and to produce trouble, if possible, I, on

Thursday night at Lodgegrass, advised the Indians in her presence to withdraw their case from her, assuring them that I would investigate all their grievances without help from her and without expense to them. On yesterday I met them again at Lodgegrass, at their request, and they informed me that they had decided to take my advice and withdraw from Mrs. Grey. At their request I agreed that she should be permitted to leave the reservation without compulsion and be secured against molestation or indignity. This afternoon at Lodgegrass I was forced to arrest her under authority of section 2111, Revised Statutes, for attempting to incite the Indians to violence. Before arresting her I again in the presence of all her followers offered to permit her to go off the reservation without compulsion, but she refused. She resisted arrest at the same time, trying in every way to incite the Indians to violence in her behalf. I have brought her here under arrest without the use of any unnecessary force and have shown her every consideration which her conduct under the circumstances permitted and have made her as comfortable as the available accommodations made possible. I shall conduct her out of the reservation to-morrow and forbid her to return. If deemed necessary, telegraph me authority under section 2149, Revised Statutes. I report the facts thus fully in anticipation of inquiries from the press, as she will undoubtedly attempt to publish sensational stories without regard to their truth.

DALBY, *Indian Inspector.*

Upon receiving this telegram I sent a letter, of which the following is a copy, to Mr. William E. Curtis, of the Chicago Record Herald:

DEPARTMENT OF THE INTERIOR,
Washington, June 4, 1907.

DEAR MR. CURTIS: I inclose a copy of a telegram which has been received from the special inspector who is investigating the charges made by Mrs. Grey relative to the Crow Indian Reservation. This morning I have a telegram stating that he has had her removed from the reservation. I send you this so that you may advise Mr. Noyes of the Department's side of this unfortunate controversy. Will you please use the telegram impersonally? I have not had time this morning to dictate a statement. When Mrs. Grey left here she expressed herself as entirely satisfied with the action taken by the Department. She went over the matter fully with Mr. Dalby before he left, and I am at a loss to understand why she should have gotten into the present difficulties.

Very truly, yours,

JAMES RUDOLPH GARFIELD,
Secretary.

Mr. WILLIAM E. CURTIS,
Chicago Record Herald, Home Life Building, Washington, D. C.

When I have a full written report I will see you about it.

In answer to this Mr. Curtis, a few days later, sent to my office, or brought in—I imagine that I brought it in, because I find no reply—the following letter, which is signed by Frank B. Noyes.

Senator DIXON. Who is Frank B. Noyes?

Secretary GARFIELD. He is the editor and publisher of the Chicago Record-Herald.

This letter is under date of June 7, 1907, and reads as follows:

[The Chicago Record-Herald, Frank B. Noyes, editor and publisher.]

CHICAGO, *June 7, 1907.*

Mr. WILLIAM E. CURTIS,
Home Life Building, Washington, D. C.

MY DEAR MR. CURTIS: I return herewith Secretary Garfield's letter and its inclosures. I should be glad if you would assure Secretary Garfield that I know nothing of and consequently have no personal interest in Mrs. Grey or her controversy.

Mr. McAuliff tells me that during his absence the city editor was told by Mrs. Grey that she would have a great news story to give out from Washington and that he gave the letters to you and Mr. Sumner Curtis. That is the extent of the connection of the Record-Herald with Mrs. Grey. She was in no wise a correspondent of the Record-Herald.

I inclose also a dispatch that Mrs. Grey attempted to file to us but which we directed to be sent by mail.

Yours, sincerely,

FRANK B. NOYES.

Senator DIXON. Is that a copy of that dispatch there?

Secretary GARFIELD. Yes. This was addressed to the Bee, and reads as follows:

[Special telegram.]

PARKMAN, WYO., *June 4, 1907.*

BEE, *Omaha:*

Garfield's private secretary killing investigation; refuses Indians time to bring in witnesses; allows an interpreter to agent and one to Indians, but says "I will myself decide which interpretation is correct;" is in constant council with accused men. I am arrested when I come at appointed time with Indians to begin charges; taken off reserve, although he gave me authority to help Indians; called headman G. D. Laird, when he repeated Henry's cattle are on my allotment. I can get no use of it or no pay for it. Why don't you come and see headman? Asked Dalby; refused to go. Indians say no authority ever given Edwards to alter treaty as Senate reports over for ceding land to Government. Dalby tells them to go home and stop talking or he will put them in penitentiary for making false statements. Indians afraid; refuse to talk, but in secret council insist that all charges made could be proven if Dalby would allow witnesses; called Dalby; using agent's friends only in his investigation.

HELEN GREY.

In connection with the inquiry of Mrs. Grey, whether I had ever called her an adventuress, I would say that the President received a letter from Miss Marjorie Ellen Watmough on October 26, 1907, which reads as follows:

To the PRESIDENT.

SIR: As one interested in just treatment of the Indian, and of those who are trying to advance his civilization, I would respectfully request your personal consideration of the Crow Indian Reservation question. This is at present pending before the honorable Secretary of the Interior. There is a feature of this case which would seem to me especially calculated to impress unfavorably the public mind when its details become known. It is the prosecution by the Government of Mrs. H. P. Gray on a criminal charge. Her offense, if any exist, would appear to be technical rather than moral, and in what she has done, whether technically at fault or not, she seems to have been actuated by a desire to protect the Indian from real or supposed wrong.

Inspector Dalby, I am informed, has denied the fact of Mrs. Gray's newspaper connection. But this, as well as her good personal character, is testified to by Judge Ben B. Lindsey, of the juvenile court of Denver, Colo.

Respectfully,

MARJORIE ELLEN WATMOUGH,
1316 Spruce Street, Philadelphia.

OCTOBER 26, 1907.

That letter was forwarded from the White House to my office, and a letter, of which the following is a copy, was sent to Miss Marjorie Ellen Watmough:

DEPARTMENT OF THE INTERIOR,
Washington, November 8, 1907.

DEAR MADAM: Your letter of October 26 to the President has been referred to me. The case of Mrs. Grey is in the hands of the Department of Justice, and is now awaiting action of the grand jury shortly to be convened in Helena, Mont.

I am not aware of any communication having been received from Judge Lindsey in regard to Mrs. Grey's personal character. I should, of course, be very glad to consider and place on file with the other papers in the case any testimonial which Judge Lindsey may care to present in respect to Mrs. Grey's character.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Miss MARJORIE ELLEN WATMOUGH,
1316 Spruce Street, Philadelphia, Pa.

Thereafter I received another letter from Miss Marjorie Ellen Watmough which had in it an extract, copied in Miss Watmough's

own handwriting, of what purported to be a statement of Judge Lindsey regarding Mrs. Grey, but as in that letter Miss Watmough said it could not be placed on file, as Judge Lindsey would not permit it to be used, I sent the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, November 15, 1907.

DEAR MADAM: I have your letter of November 11. As you write that your letter can not be placed on the files of the Department, I return it herewith, as I can not use it officially.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

MARJORIE ELLEN WATMOUGH,
1316 Spruce street, Philadelphia, Pa.

I do not recall the contents of that letter, except that it was a general statement about Mrs. Grey.

In answer to that letter Miss Watmough wrote me as follows:

The honorable SECRETARY OF THE INTERIOR.

SIR: In your recent reply to my letter in which I stated Judge Lindsey's testimony to the good character of Mrs. H. P. Grey, whom you aim to imprison, you seem to confirm, by your silence on that point, the report that came to me that you regarded her as an "adventuress." If this surmise is correct, will you kindly tell me your reason for thinking so hardly of Mrs. Grey, and the source of your information? This question I ask with great respect toward you; and I trust you may feel that justice to a lady whom your act has placed in an extremely perilous position, and to whose good character stronger and stronger testimony is coming in, requires a response.

Respectfully,
(Miss) MARJORIE ELLEN WATMOUGH.

1316 SPRUCE STREET, PHILADELPHIA,
November 23, 1907.

I answered that letter as follows:

DEPARTMENT OF THE INTERIOR,
Washington, November 26, 1907.

MY DEAR MISS WATMOUGH:

I have your letter of the 23d. I confess I do not understand how you should draw the conclusion from my previous letter that I regarded Mrs. Grey as an "adventuress." I simply declined to accept the portion of Judge Lindsey's letter that you wrote me, for the reason that you said it was confidential and could not be placed upon the files.

Mrs. Grey was arrested for dealing with the Indians in such manner as to render herself liable to prosecution for violation of a statute. Any question regarding her private life is not involved in the issue, nor am I in any way interested in nor making inquiry regarding it.

Very truly, yours, JAMES RUDOLPH GARFIELD,
Secretary.

Miss MARJORIE ELLEN WATMOUGH,
1316 Spruce Street, Philadelphia, Pa.

And I can say further in regard to this matter that I have not been making any inquiry regarding Mrs. Grey's personal character.

That is all I desire to say now.

The CHAIRMAN. I think, Mr. Leupp, you may proceed now.

STATEMENT OF HON. FRANCIS E. LEUPP, COMMISSIONER OF INDIAN AFFAIRS—Resumed.

Mr. LEUPP. I have been obliged, owing to pressure of other duties of the Office, to go very hastily over this accumulated testimony. But first I should like to call attention to the statements made on pages 27 and 28 of the pamphlet; that is, in the testimony of April 1, 1908.

After referring to the statement that Mrs. Grey had charged Secretary Garfield with "everything that it was possible to charge him with," Senator Dixon asked the question:

Senator DIXON. You charged Mr. Leupp with prevarication also?

Mrs. GREY. Or absolute foolishness; I don't know which; he can have his choice. A man who will say that the Indian takes to sugar-beet raising as a German takes to science or an Italian to art, you know it is absolutely absurd.

Senator DIXON. Did you or not, in these newspaper articles printed in the Billings Inquirer, charge Commissioner Leupp with lying?

Mrs. GREY. I do not know whether I did or not; I charged him with most everything on earth.

Senator DIXON. Did you charge him with being financially interested in this matter?

Mrs. GREY. I do not know whether I did or not. The fact is I never read those things after they were written.

Senator DIXON. But you wrote them?

Mrs. GREY. I wrote them; yes.

Senator DIXON. You charged the Commissioner with being interested in the Lincoln Townsite Company, did you not?

Mrs. GREY. Yes. It is funny you never heard of that.

Senator DIXON. Did you not charge him with being interested in the Lincoln Townsite Company?

Mrs. GREY. If you want to say I did, I did. I do not know whether I did or not. I do not know whether he is or not.

Then at a later point, while referring to me, the following appears:

Senator DIXON. I am asking you now what was the gist of your charges against him?

Mrs. GREY. Just exactly as I have stated. He came to the Crow Agency in a private car of the Burlington Railroad with the general superintendent of that road, and the car was switched off to the Crow Agency with the general superintendent, Mr. Gillette, who was a member of the Lincoln Townsite Company.

Senator DIXON. Did you charge him in these articles with being financially interested in the Lincoln Townsite Company?

Mrs. GREY. I do not know that he is.

Senator BRANDEGEE. Do you know whether or not he is?

Mrs. GREY. I say I do not know. He was very closely connected with them.

Senator BRANDEGEE. But you have made the charge. Do you know anything about it?

Mrs. GREY. I say he probably was, and if he was not he was scarcely the man to protect these Indians against those people. I think I remember saying that if he came there so closely associated with them, and so indebted to them, he was not the man to protect the Indians against those people.

Senator DIXON. Did he come to Billings in a private car?

Mrs. GREY. Yes; he did not say it was not so. He came with Mr. Gillette, and the car was switched off there.

Senator DIXON. He tells me differently now.

Mrs. GREY. He told me at the time that he did, and he did.

Senator DIXON. No matter what he says now?

Mrs. GREY. He told me he did; he never denied it.

Senator DIXON. He will be the best evidence as to that.

Senator PAYNTER. Do you mean he told you that he did, or that in talking about it you said he did and he did not deny it?

Mrs. GREY. When I made the statement, his reply was just what I have said—"I can prove by Mr. Curtis that I paid my fare." That was his reply to the whole thing. Just as he said when he was here a moment ago.

In the first place, I did not come to the reservation in anybody's private car, but in a very ordinary and pretty old sleeper of the Pullman Company. I did not say to Mrs. Grey "I can prove by Mr. Curtis that I paid my fare," because I do not pay my fare in most of the traveling that I do, and Mr. Curtis would have no means of knowing whether I paid my fare or not; that time I got my ticket at Denver straight through to the Crow Agency, and here are the proofs of it [holding out papers].

The CHAIRMAN. Will you pass those to the stenographer, so they may be marked?

Mr. LEUPP. Certainly.

The papers were identified and marked "Exhibit F. E. L. No. 4," and appear in another part of this record. (See p. 592.)

Mr. LEUPP. Here is the coupon from my order, the transportation order from the Department, and attached here is the receipt of the company for the fare after it had been collected.

The CHAIRMAN. Would it not be well, Mr. Commissioner, at this point to state the method of securing and paying for transportation in the service?

Mr. LEUPP. We have a large transportation request, as it is called, which is signed by the Secretary of the Interior and is countersigned by me—that is, for the traveling of any of the persons who go on my orders. The request is simply upon a certain railroad company, the name of the railroad blank, that the transportation be issued to blank persons, who have blank pounds of baggage, and so on; and then attached to that, with simply a perforation between, is a coupon on which I receipt—I receipt on the main paper and then I receipt on the coupon—and I send the coupon back to the Office, so that it shall be there when the bill comes in. Then the railroad company takes this transportation request and treats it practically as cash; the agent turns it in with his cash receipts, marking on it the number of the ticket issued by him, and of course that tallies with the conductor's record when he takes up the ticket.

And in this case I have simply returned this coupon to the Office, by which, when the original transportation request came in with the bill, it was checked up and the bill was paid, and here is the company's receipt [indicating].

The CHAIRMAN. The Department pays the railroad for all transportation?

Mr. LEUPP. Yes, sir. In 1905 I went over that strip of road twice; once coming up from Denver to the Crow Agency and the second time going from some point on the road, somewhere in Nebraska—I forget the name now—up to Billings, where I was to take a Northern Pacific train.

When I was talking to Mrs. Grey—I presume I know what gave her this idea that I stated "I can prove by Mr. Curtis that I paid my fare," but what I said was, "I remember Mr. Curtis being with me on that car," for, as I said the other day, we tossed a cent to see which would take the upper berth. I looked back over the record, and I have found that Mr. Curtis was with me on my second trip, and it was then that we had this toss up with the cent. The first trip I recall being with the agent. Major Reynolds got aboard somewhere down the road on the night before I reached the Crow Agency and rode with me up to the agency; he occupied another berth in the same car, I believe; at any rate he was on the train, and I do not recall whether he got off at the agency or not. My impression is that he did. But he was obliged at that time, as he told me, to go to Forsyth or Helena—Helena, I think it was—to attend a liquor case, so that he was unable to show me the usual courtesies extended by agents when the Commissioner visits them. I remained at his house the first night. I had passed that day in

visiting Fort Custer, the old fort, which was then in process of being dismantled, and in going to one or two places around the neighborhood; and then in the afternoon—and this is probably what Mrs. Grey got hold of as another feature of it—in the afternoon I was invited by Mr. Gillette, I think his name was, the superintendent of the road—I had never met him before, but he was at the station in a private car—and Mr. Harding, S. H. Harding, of whom I will speak later, had expressed a desire for me to go down and see his ranch house and see something of the road on the way down. I went with Mr. Harding in Mr. Gillette's car to visit Mr. Harding's ranch. I do not remember whether it was attached to a regular train or whether we had a locomotive only; but we stopped, I remember, at Lodgegrass, and visited the mission there, and went around and saw the places where the Indians had their meetings, etc., those who were under the Baptist Mission.

I went on to the Harding ranch, dined there, and spent the evening, then returned on this same car, sleeping, I think, on the road. The visit to Mr. Harding's ranch was one that I had promised him to make long ago. He had described to me his house and some of the methods he used there in business.

I observe in another part of the testimony where it speaks of a considerable body of capitalists going down. I do not know how many capitalists there were there. Mr. Harding, Mr. Gillette, and myself were all I saw on the car. I am not a heavy capitalist; I am comfortably fixed in this world's goods. Mr. Harding, I take it, is a very well-to-do man; he is a large cattle owner up there. And Mr. Gillette, I know nothing about his circumstances. He may be or may not be a rich man.

The CHAIRMAN. When was this trip that you are referring to?

Mr. LEUPP. This was on the 17th of July, 1905. My extreme intimacy and friendship and favoritism to these gentlemen will be shown by the fact that upon meeting Mrs. Harding for the first time at the ranch house one of her jocular greetings was: "Well, you are the man who has taken away my husband's contract." I said: "How is that?" She said: "Mr. Harding has been contracting for some years to keep cattle on the reservation and you have awarded that contract this time to some other man." I said: "You will have to excuse me from any complicity in that conspiracy against your husband."

I simply mention that to show that as regards Mr. Harding's ordinary business affairs I had no knowledge whatever. I inquired of Mr. Harding then, and I think I inquired at the agency afterwards, about how Mr. Harding had lost his pasturing or grazing contract, and was told that it was simply a case of the other man giving more money. And Mr. Harding himself afterwards was laughing with me about it. He said: "I bear you no grudge; it was a fair award, and there is nothing further to be said about it."

Now, as to my knowledge of Mr. Harding and other gentlemen connected, as Mrs. Grey says, with this town-site company, which I never heard of until she mentioned it. The first time I saw Mr. Harding he came to me with a note of introduction from the President, asking me to please go into the matter that Mr. Harding had been talking to the President about and report to the President. Mr. Harding went on to tell me that he had a great desire, with a body of capitalists whom he represented, to establish a sugar-beet industry

or plant somewhere on the Crow Reservation and a factory just on the edge of it. I think this factory was to be at Ranchester, where his home was, or somewhere near there in easy reach. I asked him several questions about it, and he said what they would want would be a twenty-five-year lease, because for any shorter time they would not be able to put the amount of money which they had need of into the project. I told him that that was the very first obstacle in the way of doing anything. I said that the law now prohibits the making of farm leases for more than five years. "Well," he said, "couldn't we get a law passed that would permit it?" I said, "If Congress wishes it, certainly. I have myself for many years been an advocate of longer leases in those cases where it seems wise to the Department to let the Indians make longer leases." But I asked what was in this project, and he went on to tell me that the desire was to lease a large amount of land, some 20,000 acres or so, about 10,000 of it, I think, not now actually under irrigation or developed and the rest irrigated land, including both tribal land and allotted land. I said, "You understand, of course, that the Department makes no leases for allotted Indians; all that it does is to approve or disapprove leases which are sent in." He said, "Yes;" he understood that, but he had an idea that when the Indians came to understand this plan they would like it. Then he went on and talked to me about Indians and sugar-beet raising.

I have here among my papers the reports or extracts from the reports of our supervisor of Indian employment, which go to show that so far from being ridiculous, the Indians take to beet farming; that we started with a very few Indians in 1905 and reached some 604 Indians, and by the time this report was made probably a good many more had been interested; that is, in July, 1907—a pretty good rise in two years. These Indians have been employed in this very kind of farming which Mrs. Grey says they are not adapted for, and their gross earnings for last spring's work was $28,000, which they carried away in their pockets, all except what they spent for their board.

We find that wherever the beet raisers have had an opportunity to employ Indian labor they have seized it eagerly; that the Indians have made as good a record in that work as white men, and that they have asked for more the next year. Take Fort Belknap, for example. The Indians there have made a regular annual exodus to Canada for the purpose of working in the Canadian beet fields—a very extraordinary fact, if the Indians are not adapted to that kind of work. It became so large an affair to handle, and it got the Indians into such a wandering way, going off, that the agent at Fort Belknap himself came in afterwards and asked if we could not consider a proposition from some capitalists to put up a beet-sugar factory on the edge of that reservation, and I said I would be very glad to consider any proposal that they had. When they turned it in it was thoroughly examined, and then a clause was inserted in the Indian appropriation bill, on which this committee acted, permitting an increase of the lease term to ten years, not twenty.

I told Mr. Harding at the time that Congress was very conservative about these things, and rightly so, and if he would make this a ten-year period he would do better. He said that the people who were interested in this matter with him he did not believe would consent to put so large an amount of capital up for building the factory and the

establishment of the extra irrigation, etc., necessary on any shorter term than twenty years at the inside. So I framed a paragraph, which I think the chairman will remember—and I feel pretty sure that Senator Sutherland will remember it also, both of them having been here at the time—which merely gave the Secretary of the Interior permission to lease tribal lands for twenty years, and authorized the same term to Indian allottees anywhere where beet raising or any similar mode of farming that required rotation of crops was feasible. No provisions were made as to the amount that should be charged as rental, or any other particulars. That was left to the Department to settle. These gentlemen stated that they wanted to take the 10,000 acres which were under cultivation and improve the irrigation system there and take that which was not under cultivation and reduce it to cultivation and put in their own irrigation system. All this was to revert to the Indians at the end of the lease.

I inquired of a number of Members of Congress and western men whom I met here in the city, whenever I got a chance to inquire of them, what was the effect of beet raising on the lands used, and they said, as it requires a constant rotation, it has most excellent effects; it keeps the soil stirred up, and the nitrates are returned to it from the toppings. Then I went to the Department of Agriculture and talked to some of the people over there with reference to it. They appeared to believe the same way. But I said to the Secretary, Mr. Hitchcock: "If these gentlemen come to me with any proposition of this kind, you are an experienced business man and a successful one, and there are some questions I would rather have you settle with them than settle them myself, because you could probably see certain points which I could not." So when the gentlemen came forward with a written proposal, I asked them to see the Secretary first, which they did. The Secretary was very much impressed with the idea, and told them that he would consider it on my recommendation. At a later stage I recommended to him that before taking any steps we have a competent agriculturist visit the various beet-raising districts and beet-sugar-producing places, and then go up to the Crow Agency and see whether the representations made by these gentlemen as to the quality of the soil, the climatic conditions, and the value of the work as an educator for the Indians was true. The Secretary sent Mr. Levi Chubbuck, his special inspector of agriculture, who went out and visited Utah and Colorado—I do not know whether he went into any other States or not. He inspected the beet industries, satisfied himself as to how the matter was handled, and then went to the Crow Reservation and looked that over, and made a favorable report—his one point being that the amount charged for the leases should be enough to make an adequate return to the Indians, which, of course, the Secretary of the Interior would naturally look out for.

The matter ended there, as far as Washington was concerned. It was in April, 1905, that I had all my conferences with Mr. Harding and when the Secretary took up the matter. I did not see Mr. Harding again, if I remember rightly, until I was passing through Chicago one Sunday. I came upon him at my hotel, and with him was Mr. Holdredge; I think he is the general manager, although I would not be certain about that, of the Burlington Railroad; but his family and my wife's family had been friends in past years. I had never met Mr.

Holdredge until 1903 or 1904, when I was out doing newspaper work in the West, and when I had occasion to go to him for some information, and we discovered that we were interested in that way.

I think Mr. Holdredge and Mr. Harding were together, and, if I am not mistaken, Mr. Hayward Leavitt, of Omaha. Mr. Leavitt was a member of a family with whom I was a playmate as a child. I met these gentlemen just about lunch time, and we took lunch together. Mr. Harding brought up the question of the beet proposition, and I asked Mr. Leavitt: "Aren't you yourself a beet-sugar raiser or manufacturer?" He said he was interested in the beet-sugar industry, and would be very glad to give me any information that he could. I talked with them all, but I understood that these gentlemen were interested in the matter purely from a financial point of view, whereas I was interested in it on the Indian side. The question then came up why they wished to lease a certain area which they had decribed—why they wished to have the leases cover this particular tract. Mr. Harding promptly said it was because the railroad facilities there were ample for getting the people in and the products out, and all that, and Mr. Holdredge said, "That is where my interest comes in; I should like to see that country developed in that way, for the purpose of getting business for our railroad." I said, "Of course, that is a matter that I am interested in; my interest is the interest of the Indians solely." These gentlemen perfectly understood my position; and when I met Mr. Harding up at the Crow Agency he said that the one reason why I ought to run down to his ranch and back again was that we would pass through a part of the country that he believed they could raise beets on. I said, "You appreciate the fact that I am not a practical agriculturist; all I can do is to consult with persons who know more about it than I do." He said, "Yes; but I would like to have you see the country." So we went there. We returned on the morning of the 18th.

The CHAIRMAN. Mr. Commissioner, in connection with this matter, would you not like to submit that statement that you have prepared there?

Mr. LEUPP. These extracts? Yes, sir.

The CHAIRMAN. You may have them marked.

The papers were identified and marked "Exhibit F. E. L., No. 5," and appear in another part of this record. (See pp. 593–595.)

Senator SUTHERLAND. These are extracts, as I understand it, tending to show the adaptability of the Indians for beet-sugar farming?

Mr. LEUPP. Yes, sir. I will say in presenting these that the reason I thought them rather strong was that there is nothing philanthropic in this employment-bureau arrangement, except as there may be philanthropy in any ordinary employment bureau in the city of Washington. I have appointed a man, who is himself part Indian, to find places where Indians can be employed, and he makes these deals on a plain, flat, dollars-and-cents basis. When an employer wants some Indians and is willing to pay what seems to be a good rate of wages, Mr. Dagenett goes to the Indians and sees how many are willing to take the job. If they are willing, he looks out for their transportation, and sees that they are paid on pay day, and looks out for the commissary, etc.

So that it seemed to me that I could not have any stronger evidence of the adaptability of these Indians than the fact that they are

employed in such numbers, and that the demand is still for more, and that the Indians themselves like the work, and, when they come back at the end of one season, are usually clamorous to be the first ones for the next.

The CHAIRMAN. Mr. Commissioner, while ordinarily I should prefer to wait until you complete your entire statement, yet this beet-sugar matter being a subject by itself, I should like to ask if you have made any progress with the Indians themselves raising beets—sugar beets?

Mr. LEUPP. No, sir; except where they have worked for other people. That was precisely the proposal made by these gentlemen—that they have experts in beet culture brought in there, for whose good character and good conduct they would be responsible under bonds, that they would teach the Indians the processes, and that the Indians would be hired to work on their own land—not only leasing the land, but receiving wages for working and improving it.

Senator SUTHERLAND. Can not that be done by permitting the Indian to work his own land without leasing it?

Mr. LEUPP. There would be no objection, if he could do it.

Senator SUTHERLAND. Is there any practical difficulty in the way?

Mr. LEUPP. The practical difficulty is that an Indian, at the stage of development that these Crow Indians have reached, for instance, is not able to transact business of this kind for himself. He of course can say whether he wants to lease his land at such a price or not, and his wishes will always be respected. But when it comes to working their own land, the majority of those people would not be able to do it. In all such cases—for instance, in the case of Mr. Shively, or any of the Indians who are well advanced—nothing would suit me better, as my whole record in office will show, than to have them work their own farms. I know the Senators on this committee are perfectly aware of my persistent attitude in favor of getting rid of Government supervision as far as I can and putting the Indians on their own feet, and I want to do that very thing with these Crows wherever it is possible to do it. I talked over that phase with Mr. Harding and the others.

Senator SUTHERLAND. Now, speaking for myself, I entirely agree with you that if an Indian can do any farming at all, he would be more successful in any kind of intensive farming than in extensive farming, and I think he is peculiarly adapted to beet-sugar raising, because a number of Indians can work together; it does not require as much ability in the way of superintendence, the manual labor being simple, and I think it can be more successfully done. But it seemed to me the better policy would be to make some provision by which the Indians would work their own lands, instead of leasing them; in other words, I do not believe it is good policy to permit any wholesale leasing of Indian land, because you take away from the Indian his initiative and responsibility.

Mr. LEUPP. I agree with you in every respect. The only thing is, here are the Indians tied down to a five years' lease. Now suppose a company had put a half million dollars in a great plant there, and were putting in more capital to develop the resources of the land by irrigation, etc., and then at the end of five years somebody else could come in and make a higher bid, and all their previous work were wiped out and idle property left on their hands which they would be obliged to sell at a sacrifice?

The CHAIRMAN. Is not the Indian, after all, a good deal like the white man in this respect, that if he feels that he is working his own land and is getting the entire profit from the operation, that he will do better work; that he will be educated along broader and better lines than if he is employed by the day?

Mr. LEUPP. Yes, sir, I think so; but the point is this: There are comparatively few—taking our whole body of reservation Indians—there are comparatively few of them who are able to do that kind of thing. Perhaps you could count on the fingers of your two hands on any reservation those who have made any considerable headway when left entirely to themselves. But one provision in this Harding proposal was that every Indian should reserve 20 acres of his allotment for his own cultivation, and, if he preferred to do business there by himself on that, he should be allowed to do it. But 20 acres under intensive cultivation is about as much as one person can take care of—one white man, even as well advanced as the white man is.

Senator SUTHERLAND. We have white families in Utah cultivating 10 acres and making a very good living out of it.

Mr. LEUPP. Yes, sir; that can be done.

Senator PAYNTER. Well, is Frank Shively capable of taking care of his interests?

Mr. LEUPP. I should think that he was, from what I have heard of him.

Senator PAYNTER. He has been here several days, and I was curious to know what your opinion is of a man like Frank Shively.

Mr. LEUPP. Why, I am always anxious to get such people off the Indian roll and put them where they belong, as full citizens of the United States, as free to act as anybody else. That has been the whole aim of my policy from beginning to end.

Now, I will simply refer to those members of this committee past and present, who were here during the spring of 1906, for their recollection of what Mrs. Grey, I think, has referred to as my "lobbying" on this permissive item. I made a very distinct statement to the committee of what the item was, and what was behind it, and if I remember rightly the bulk of the committee were entirely favorable to my view.

The CHAIRMAN. I do not understand that Mrs. Grey makes any complaint of your lobbying.

Mr. LEUPP. Well, perhaps——

The CHAIRMAN. If she does, I want to go on record as controverting any suggestion of that kind.

Mrs. GREY. I have made no such statement. I only referred to his own statement where he said he had worked for two years to get this bill through Congress.

Mr. LEUPP. It was probably in the Billings Inquirer; and if I remember rightly this matter of the Billings articles was called up here, and I thought it was a legitimate subject of inquiry.

The committee know perfectly well what I did, and the members of the House committee will bear the same testimony, I am entirely sure. At the time I said to Mr. Harding, "I am unwilling to go into this thing first on any single reservation basis; I would rather make a general permissive clause, that can be taken advantage of wherever we have such reservations." And I remember mentioning at the time a project that was tentatively in my mind of establishing a dairy

industry in Oregon, very near our Klamath Reservation. I had met some people who would talk business about that, and went over it with them quite seriously with a view to having the Klamath Indians take up the dairy industry and have the dairy products turned into marketable articles right close by the reservation. It was all part of the general plan I follow of not letting our Indians drift, but trying to get them to take up a definite programme for the utilization of what they had.

Now, unless somebody wishes to ask me some questions, I will pass from the sugar-beet to the town-site matter.

The CHAIRMAN. Does any Senator at this time want to take up the sugar matter any further?

Senator SUTHERLAND. I would like to ask just one question about that. Have any of the lands been leased for that purpose?

Mr. LEUPP. No, sir. You mean on the Crow Reservation?

Senator SUTHERLAND. On any reservation.

Mr. LEUPP. I suppose at Belknap there has been quite a large——

Senator SUTHERLAND. Indian allotments?

Mr. LEUPP. No. There are no allotted Indians; these are tribal lands.

Senator SUTHERLAND. Have you leased any Indian allotments anywhere for that purpose?

Mr. LEUPP. No, not to my knowledge, because it would be quite out of the question to lease them for five years.

Senator SUTHERLAND. Are there anywhere that the Indians are engaged on their own account in raising sugar beets?

Mr. LEUPP. I could not answer that positively without looking into the records. My indistinct recollection is that we have a few cases of that kind, of the more progressive Indians taking it up.

Senator CURTIS. Up to date, then, your experiments have only been with the working of the Indians in the raising of beet sugar or the beet-sugar plants?

Mr. LEUPP. Yes, sir. But on the labor question I argue that as long as the Indians and ourselves are all members of a common human family, that the general rules of human nature prevail in this field. The white man has reached his present position of power by starting in a small way and working up, and allowing the work that he has been doing to develop him. When an immigrant comes to this country from some foreign port he goes to work, and his good right arm hews out a home for himself, and his wages that he earns, if he saves them, are the capital that he starts with in larger enterprises.

Senator SUTHERLAND. The immigrant is not particularly developed, if he owns land of his own, by leasing it and then small working for his landlord, is he?

Mr. LEUPP. That simply is one of the ways of utilizing the land. I thought it was a good deal better if the Indian could have some conception of the fact that he was improving his own allotment at the same time that he was earning his wages; it would add a little incentive to his industry.

Senator SUTHERLAND. But he would have a greater incentive if he realized that he is not only improving his own allotment, but that he is getting all the profit that there is himself?

Mr. LEUPP. Most assuredly.

Senator SUTHERLAND. As he goes along?

Mr. LEUPP. Most assuredly. That is the basis of the horse bill that has been discussed here. But I was going to ask, before leaving the subject: If an Indian has 80 acres of land and can not possibly cultivate intensively more than 20 acres of it, what is he going to do with the other 60? There, I thought, would come in a good opportunity for making use of the 60. I have assumed that the Indians from Fort Belknap and other reservations—Blackfeet, for instance, where the Indians have shown their desire to work in the beet fields—could be working their own lands under lease—that is, their surplus lands.

Senator SUTHERLAND. Well, I see no objection to leasing any surplus lands in favor of the policy which will, first of all, compel the Indian to work as much land as he can; and then I am not in favor of allowing the remainder of the land to lie idle; I think the surplus may then be leased.

The CHAIRMAN. Senator Sutherland, I understand Commissioner Leupp's position to be that he deprecates the relation of landlord on the part of an Indian as much as any of us; but one of the steps to getting the Indian into the sugar-beet business or any other business is to teach him to work. He has to begin by leasing and hiring; but that is not the end, as I understand it, by any means.

Senator SUTHERLAND. I do not object to it that far; but I think primarily the Indian ought to be compelled to work his own land, for his own profit.

The CHAIRMAN. Undoubtedly, as far as he can.

Senator SUTHERLAND. As far as he can; and then if for any good and sufficient reason he is unable to work his entire allotments, I have no objection to leasing the surplus land.

The CHAIRMAN. In this connection I want to put into the record, and I think the committee will bear me out, that, with reference to the sugar-beet industry or any other matter connected with the developing of the Indians, the attitude of the Commissioner has never been that of insistence or in any sense pressing for legislation, but has been rather one of conference with the committee along the lines of constructive legislation.

Senator SUTHERLAND. Oh, I think that is quite true.

The CHAIRMAN. I think that should go into the record in justice to Mr. Leupp.

Senator SUTHERLAND. I want to say, and I want it to go into the record, that my observation while I have been a member of this committee is that Mr. Leupp has never been here except at the invitation or by the desire of the committee to confer with the committee.

Mr. LEUPP. Now, Mr. Chairman, with regard to the town-site matter. As I stated a few minutes ago, I never heard of it until it came up in this connection. I can go further than that and say that I do not own and never have owned a foot of land, nor have I now, or have I ever had, any interest whatsoever in a foot of land in the State of Montana, except one lot in the city of Helena, called a building lot, I believe, but nobody has been willing to build on it. I took it for a debt, and I will be willing to sell it to any member of this committee for one-fifth of what I took it for.

Senator SUTHERLAND. When was that?

Mr. LEUPP. In the boom time of 1889. I want to make an absolute and unqualified denial on that score; and I want to make the further statement that whoever informed Mrs. Grey of anything like that, lied flatly.

Of course it is a matter of record that certain lots were bought for town-site purposes. I first became acquainted with the fact that there was any consideration of a town site established anywhere on the Crow Reservation or adjoining it through having my attention drawn to the big prices paid for certain lands of dead Indians inherited by their heirs. I have had the figures compiled for the use of the committee.

Senator CURTIS. They were given in the statement of Major Reynolds, so that it will be unnecessary for you to go over that.

Mr. LEUPP. It might be. When I see such high figures and the enormous discrepancy between the highest bids and the next lowest, I should simply like to ask this committee what course there was for me to follow, as Commissioner of Indian Affairs, except to make the award or approve the award in every case where these enormous prices are paid as compared with the others?

Senator CURTIS. You follow upon this reservation the same practice that you follow in selling inherited Indian lands upon other reservations?

Mr. LEUPP. Yes, sir. Noticing these big prices, I made an inquiry to find out what the reason of it was, and then discovered from the record that these big prices were paid by one man, and that the lands lay close together, so that it was obvious that there was a town-site project afoot there. He was the sole person I knew in the premises, and whether he was buying the lands individually, as other people have bought repeatedly and established town sites themselves, or in the interest of any company, or with a view to the formation of any company, I had no more knowledge than I have of what is going to transpire next year.

But I wish to add that if I had known of it, and the prices offered were what they were, I do not see any reason why I should not have given my approval to it. I had no interest in any company, or in any person who had anything to do with any company. All my acquaintance with this project and the people alleged to be interested in it was just as I have described to you to-day. I suppose that I may have met Mr. Holdredge four times in my life. I dare say I have met Mr. Harding a half dozen times. Mr. Leavitt, as I said, belonged to a family that I played with when I was a child, and when we met we talked old times over. That is the extent of my interest in these gentlemen, or anything connected with them.

Now, I want to go one step further, because I have nothing in the world to conceal, and to say that there may be a further reason why Mrs. Grey commented upon my being brought to the reservation—which I have already shown to you was not the case—in a private car. We returned from Mr. Harding's ranch, getting to the Crow Agency at some very early hour in the morning of the 18th of July. That day, being desirous of visiting the Northern Cheyenne Reservation, which lies adjacent to the Crow, and wanting to see the agent there particularly, I got Colonel Rankin, who was our allotting agent, to drive me across there. The distance I think is 55 miles. It was over a pretty hard road, and the wagon was not particularly

comfortable, and I was well tired out by the time I got to my destination. I spent the latter part of the afternoon and the evening over there, and slept at the doctor's house for the night, and returned the following day. When I got in I found that an invitation was waiting for me from Mr. Hill, one of our irrigation engineers—following up something that Mr. Code, our chief engineer, had said to me a while before at the Uintah Agency—an invitation to go over and see what they were doing with the irrigation works in another part of the reservation, near the Catholic mission school. If I recall right, Mr. Holdredge and Mr. Harding went along, and Colonel Rankin drove, or he was responsible for the wagon and we had another driver. At all events, we visited two of these projects, looked at the work, and then turned around and came back again. I remember a great part of what was discussed on the way out. I do not think the sugar-beet project was touched upon; certainly no town-site project was. The conversation was merely about whether Indians would work. I said that I had found some Indians who would, and I thought it was largely a question of the pressure of the lean pocketbook and the hungry stomach. As we drove along we would look across the fields, and we saw a man here at work plowing a furrow, and another man yonder doing something else, and everybody in the party made his comments—that this was the third Indian or the fourth Indian that we had seen working, and so on. I said: "Gentlemen, all you have to do is to wait until you have something that the Indian will understand and take hold of, and you will have no trouble in getting him to work; and everybody who employs Indians is more anxious to have them than laborers of any other race." That was the gist of our talk.

We looked over the work and drove back. The trip was more of a general survey of the country than anything else. That night when we got in—that was on the 20th—I went back to the agent's house to put my things in order, as I was going to take a train next morning which left at an unearthly hour. I was thoroughly tired out with my four days' rushing about. I was followed by a message from Mr. Holdredge, saying: "My car is to be picked up by the up-train to-morrow morning; as you will have to get up before daylight, won't you come up there and go to bed on the train?" I went over and saw him and asked him how far he was going. He said to Cody. I said that that was where I was bound myself. And I made the suggestion then, if I remember rightly, that I be allowed to pay my way; but he laughed at that and said, "This is purely a personal matter; somebody has got to occupy this berth on the car, and you might just as well." So I went back to the car, having had in the meantime a little interview with Plenty Coos and Big Medicine and some other Indians they brought to the agent's house. We went up to Talucah in the morning, and there I met Agent Reynolds. I think it was at Talucah; it was at one of the stopping places on the way. He had been absent most all of the time that I was at the reservation, and he was then on his return trip from Helena. He and I sat out on the observation platform of the car, I think, practically all day. I do not recall, except for lunch, that we went inside at all; and I do not think during that time, except for an occasional remark passed through the door, that I spoke to either Mr. Holdredge or Mr. Harding. I felt perhaps a little sorry that I did not see more of my

host, but that was unavoidable, as he had business of his own to do. When we got to Cody I went on from there and took a night stage to Meeteetse and thence went on to Thermopolis, and from there into the Wind River Reservation.

That is the whole story from beginning to end. I shall be glad to have it verified, if desired.

I remember that in the testimony somewhere occurred a reference to some permit which I gave Mrs. Grey for returning to the reservation after she had been, as she alleged, arrested and removed. I hold in my hand the memorandum or letter on the strength of which I wrote. May I inquire whether Mrs. Grey put into the record the letter which she wrote to the Secretary, asking permission to return to Crow Reservation?

The CHAIRMAN. These letters have not been sorted out. They are in the hands of the reporter. Did you put your letter in, Mrs. Grey?

Mrs. GREY. No.

The CHAIRMAN. If you have them all, you may insert them all, Mr. Commissioner.

Mr. LEUPP. Well, Mr. Chairman, all I will say about that is that I received sometime late in April from the Secretary a statement by Mrs. Helen Pierce Grey, which I will file as an exhibit.

That, Mr. Chairman, is Exhibit No. —.

(The paper was identified and marked "Exhibit F. E. L. No. 6." See pp. 595–596.)

Mr. LEUPP. I do it simply for the purpose of showing what it was that called forth my letter to Mrs. Grey. That letter I had a copy of here——

The CHAIRMAN. Well, you can find the letter and file it.

Mr. LEUPP. Yes, sir. There were certain expressions used in that letter which could not be understood without the context. I said, for instance, that I did not understand what it meant by evidence given by Indians "reacting upon them in the customary manner;" but that it was our practice, when complaint was made against an agent, to send the complaint to the agent in order that he might state in his own defense whatever he desired. That I consider at the foundation of all fair play. Now, in those cases where I feel certain, from anything that has occurred before, that an agent has been coercing his Indians, or that he is a tyrannical man in dealing with them, I say to him that "certain Indians on your reservation have made such and such charges against you," and ask him "what have you to say in response?" and I do not mention the Indians' names. But, of course, in nine cases out of ten that is a perfectly useless subterfuge. I had had no reason to suspect any tyranny on the part of Major Reynolds. Indeed, I wish to say right here, and to take full responsibility for it, that it was on my personal recommendation that Major Reynolds received his second appointment to office. The matter was submitted to me while I was out in the field, and I took prompt action by wire to notify the then Acting Commissioner to report to the Secretary and the President that I thought Mr. Reynolds had made an extremely good business agent. I have seen nothing so far to change my views. But if he had been the Archangel Gabriel, and anybody had brought a charge against him which seemed to be well founded, and was made by a responsible person, I would have had him investigated just as quickly as I would *the worst scamp* I know in the Service. I have always proceeded on *that principle.*

I should have undertaken this investigation myself—the one which Mr. Dalby conducted in the Secretary's behalf—had it not been that Mrs. Grey at the outset impugned my honor in referring to my connection with some kind of an underhand scheme. The other morning when I was here I could not recall what the scheme was, but I remembered afterwards that she brought in something about a town site and my connection with some town-site company.

That is about all I can think of now that seems to call for notice.

The CHAIRMAN. Senator Curtis, have you any questions you want to ask?

Senator CURTIS. Mr. Commissioner, in Mr. Reynolds's statement to this committee he said that in making a lease upon this reservation there were two bids submitted; one by a cattleman, which I think was for about $4,000 more than the one that was submitted by Mr. Bair, a sheepman.

Senator DIXON. One thousand eight hundred dollars, I think it was.

Senator CURTIS. Well, I have not the exact figures.

The CHAIRMAN. The cattleman's name was Murphy.

Senator CURTIS. The cattleman's name was Murphy; and Major Reynolds said that that matter was not acted upon by him, but was taken up and acted upon wholly by your office. I want to know if it is the practice of your office to make leases to the lowest bidder instead of to the highest bidder?

Mr. LEUPP. No, sir; it is not. There are circumstances at times—each case——

Senator CURTIS. Will you state why it was done in this case, if you remember?

Mr. LEUPP. I have no recollection of the case. It may have been one which had taken place before the incidents I spoke of. It may be that matter which Mrs. Harding referred to. I do not know whether that was the case or not. But whatever it was, I should like the privilege of looking over my records and seeing what the reason was.

Senator CURTIS. I want to ask you another question. I will state that he said that the Indians had preferred the land leased for sheep rather than for cattle. But another question I want to ask you is, is it the custom of your office to make leases over the head of the agent?

Mr. LEUPP. No, sir.

Senator CURTIS. Well, then, I want you to state to this committee, after you have looked over the records in your office, why it was that that lease was made in your office instead of having been made through the agent.

Mr. LEUPP. I will have all the papers here in the morning.

Senator CURTIS. You have been over the reservation?

Mr. LEUPP. I have been over parts of it, but not extensively.

Senator CURTIS. Was your attention called to the irrigation ditch where the surveyors had let out or surveyed a proposed ditch where the water would have to be made to run uphill?

Mr. LEUPP. No, sir.

Senator CURTIS. Can you give us the exact number of farms that have been developed under the ditch there on that reservation? Can you do it from——

Mr. LEUPP. I can not do it from memory.

Senator CURTIS. I mean from the records in your office.

Mr. LEUPP. I would not be certain whether we have the records there for that or not.

Senator CURTIS. You can tell us the amount of money expended; that is, the amount of money belonging to the Indians which has been expended in developing irrigation on that reservation?

Mr. LEUPP. I could not give it offhand.

Senator CURTIS. From your records?

Mr. LEUPP. I suppose so.

Senator CURTIS. I wish you would submit to the committee, in response to my inquiry, the amount of money that has been expended on irrigation, or to develop irrigation on that reservation, and the number of farms that have been brought under the ditch and are being worked by the Indians, either by themselves or by tenants.

Senator DIXON. There have been several hundred thousand dollars spent on irrigation on this reservation?

Mr LEUPP. Yes, sir; there is no doubt about that.

Senator. CURTIS. That is all I desire to ask.

Senator DIXON. There has been some talk in this hearing, Mr. Commissioner, about what is known as the horse-breeding bill now pending before the committee, and which the title of this hearing indicates is the purpose for which this hearing was called. The committee knows very little about the general proposition of establishing a horse-breeding farm by the Crow Indians on a part of the reservation, and if you are in any way familiar with the purposes of the proposed legislation I think it would be well to have you make a statement here at this time, what the horse-breeding bill is for and its scope and purposes generally.

The CHAIRMAN. The committee will adjourn until 1 o'clock.

(At 12 o'clock noon the committee took a recess until 1 o'clock p. m., Wednesday, April 8, 1908.)

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

STATEMENT OF HON. JAMES R. GARFIELD, SECRETARY OF THE INTERIOR—Resumed.

The CHAIRMAN. Had you concluded your statement, Mr. Garfield?

Secretary GARFIELD. Mr. Chairman, there are just one or two other suggestions. I understand that Mrs. Grey in some way—I do not know exactly in what connection—referred to the proceedings of the grand jury in Helena. So far as the Department is concerned, every bit of available information that was here, which touched upon or in any way threw light upon the charges made by Mrs. Grey, was sent, upon request of the Department of Justice, to the district attorney for use before the grand jury, and in order to show how complete that record was, I wish to submit herewith, with my statement, the letter of December 23, 1907, from the district attorney of Montana to the Attorney-General. This is a copy of that letter which was forwarded to me by the Attorney-General, making request for the information contained therein. I will not take the time of the committee to read all of this, but it is a carefully prepared request, giving

in detail the record information required to bring out the facts as to every one of the charges made by Mrs. Grey. All of that material was sent to the district attorney of Montana. Perhaps I had better read the letter. It is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY FOR MONTANA,
Helena, Mont., December 23, 1907.

The ATTORNEY-GENERAL, *Washington, D. C.*

SIR: In the course of the investigation by the Federal grand jury of certain charges against one Helen Pierce Grey for violations of section 2105 of the Revised Statutes, in having received from certain tribal Crow Indians, not citizens of the United States, a considerable amount of money in consideration of services to be performed by Mrs. Grey on behalf of the Indians concerning their reservation lands and other matters, Mr. T. J. Walsh, an attorney of this city, and likewise with reference to the matter then being investigated by the grand jury, representing Mrs. Grey and the Indian Rights Association, presented to the court certain carbon copies of letters written by one Brosius, as agent of the Indian Rights Association, to Mr. Leupp, Commissioner of Indian Affairs, replete with charges of official misconduct against the Indian agent of the Crow Reservation, and requested that the court submit the letters to the grand jury for such action concerning the charges therein made as the facts and the law might warrant and justify. The court submitted the letters to the grand jury as requested and the same were turned over to me for the purpose of ascertaining whether the charges as made would, if proven to be true, furnish the basis of criminal prosecution. This I did and found that there was very little, if anything, in the letters of Mr. Brosius which came within the province of the grand jury and the counsel for Mrs. Grey and the Indian Rights Association. I requested that if any violations of the laws had been committed by the Indian agent warranting criminal prosecution that specific charges be formulated and submitted to me, so as to enable me to procure the evidence to substantiate them.

Pursuant to my request, the counsel for Mrs. Grey and the Indian Rights' Association submitted to me some twelve or fifteen specifications of alleged violations of the laws of the United States, most of which were, however, merely accusations of official misconduct concerning administrative matters, and not within the jurisdiction of the grand jury. Some of the charges made are, however, in my opinion, proper for investigation by the grand jury, and would, if proven true, constitute violations of section 5438 of the Revised Statutes.

A. It is charged that one Clarence Brown was all of last winter carried on the pay rolls of the agency as a farmer of the Black Lodge district, while during that time he was living at the agency, assisting in running the store at the agency, and boarded at the hotel.

With reference to this charge, I should like to be furnished with the following documentary evidence:

1. Crow Agency pay rolls for the second and third quarters of the fiscal year 1907.
2. Treasury checks, if any, issued by the agency to Brown in payment of service as farmer during the time in question.
3. Indian Office letter, July, 10, 1906 (accounts 57066), granting leave of absence to Brown.
4. Letter of February 15, 1907, from Indian agent to the Commissioner of Indian Affairs reporting leave of absence of Brown actually taken and other employees during the year 1906.

B. It is charged that one Carl Leider, a mixed-blood Indian, has been carried on the pay rolls of the agency as boss herder, while as matter-of-fact the tribal herds were divided among the Indians some four years ago, dispensing with the boss herder.

With reference to this charge, I should like to be furnished with the following documents:

1. Crow Agency pay rolls for the first quarter of the fiscal year 1904, and for each subsequent quarter to the present time.
2. Treasury checks, if any, of payments to Carl Leider as boss herder during the time in question.
3. Such other documents, if any, relating to employment or discontinuance of employment of Carl Leider as may be obtainable.

C. It is charged that the Indian agent bought, some two years ago, with Indian funds two thrashing machines and paid therefor $10,000, whereas the same machines were offered to E. N. Thatcher, of Parkman, Wyo., for $6,000, which it is alleged was the current market price for implements of that kind.

With reference to this charge, I should like to be furnished with all the papers, vouchers, and correspondence on file in the Indian Office bearing upon the matter in question.

D. It is charged that selections for allotments were made by Fred Miller, agency clerk, for his wife and daughter, and, quoting from the charge as submitted to me by Mr. Walsh, the attorney for Mrs. Grey:

"Presumably the name of Miller's wife and daughter are on the roll made up by Reynolds. She is not a Crow, but Miller has endeavored to have her adopted into the tribe without success Roll probably sworn to by agent."

With reference to this charge, which is based on the assumption that perjury was committed, I should like to be furnished with such evidence as may be obtainable showing whether or not Mrs. Emma S. Miller and daughter, Hulda, are on the roll; if on the roll, by whom placed there, and if the roll is sworn to, by whom.

E. It is charged that one Carl Rankin was carried on the roll as an engineer for his father, John K. Rankin, as allotting agent on the Crow Reservation, while at the same time he was advertising in the Billings Gazette as agent of the Lincoln Townsite Company.

1. As to this charge, I should like to have the pay rolls of John K. Rankin, allotting agent, for the first quarter of 1906 and each succeeding quarter during the time of his work as allotting agent on the Crow Reservation.

2. Also the checks, if any, issued by him to Carl Rankin, his son, in connection with any alleged work done by Carl Rankin on the reserve.

3. Indian Office letters of authority to J. K. Rankin for employments for fiscal years of 1906 and 1907.

F. Lastly, it is charged that Richard Wallace and Smoky were carried on the pay rolls of the agency without performing any work.

With reference to this charge, the pay rolls called for concerning the charge respecting Carl Leider would answer every purpose. Also Treasury checks, if any, issued to Wallace and Smoky. Also Indian Office letters of authority to agent at the Crow Agency for employments for fiscal years 1904, 1905, 1906, 1907, and 1908.

It would be very desirable to have the original documents, certified and authenticated as such, instead of certified copies, and, if possible, the papers should be brought here by some one who is familiar with Indian affairs and experienced in the Indian service, and, what is still better, one who is somewhat familiar with conditions upon the Crow Reservation and who could render assistance in bringing to the attention of the grand jury all such matters as would be pertinent to and within the scope of a proper investigation.

The grand jury, after having been in session since December 4 last, took a recess on Friday last, the 20th instant, until January 21 next, at which time they expect to proceed with the investigation of the charges hereinabove enumerated.

I have the honor to remain, your obedient servant,

———— ————,
United States Attorney.

Senator DIXON. The United States attorney is Carl Rasch.

Secretary GARFIELD. In answer to that request of the Attorney-General, all of the information called for which was available in the Department, except such as would have to be obtained from the Treasury—that is, checks, etc.—was sent to the district attorney at Helena, I think, in charge of Major McLaughlin. So there was offered to the district attorney for presentation to the grand jury all of the records that were connected with any of the charges that were preferred, and any further statements regarding the attitude of the Department toward the Indian Rights' Association. After, or soon after, the charges were filed by the Indian Rights' Association I received a number of letters requesting a reinvestigation. Some of these letters stated a few facts and others simply asked for reinvestigation. I wrote to each of those correspondents, asking them what their information was and what the course of it was, to the end that I might obtain all the facts possible that anybody had regarding this matter. Every one of those correspondents replied that the only information they had was either the published charges that they had seen in the paper made by Mrs. Grey, or the information

that had been given them by the members of the Indian Rights' Association.

I mention this simply to show that it has been the effort of the Department to obtain any information that would tend to throw any light upon the question at issue, or the charges made.

Senator DIXON. Mr. Secretary, Mrs. Grey charges at this hearing that the Lincoln Townsite Company has acquired title to and owns thirteen town sites under the Huntley irrigation project. Do you know whether or not that is true?

Secretary GARFIELD. I have no personal information on that subject; but I can have it looked up and furnish the information to the committee.

Senator DIXON. It is not very important, but I made the statement in the hearing that I knew it could not be so, because the title was in the United States Government, under the Huntley irrigation project.

Secretary GARFIELD. Do you mean that there are lands acquired by the Huntley irrigation project?

Senator DIXON. Yes; so Mrs. Grey charges, that there are thirteen town sites over there which they have acquired, all of them under the Huntley irrigation project.

Secretary GARFIELD. I have no information on that subject. I will look it up and see what the records show. There could be no title acquired under any of the irrigation projects except in strict conformity with the irrigation law.

The CHAIRMAN. Could it be acquired through a water users' association?

Secretary GARFIELD. Only in accordance with a statute of the Reclamation Service.

Senator DIXON. The water users' association is composed exclusively of settlers and homesteaders, living under that project.

Secretary GARFIELD. Yes, sir; and those who are having water for the pastures of this land under the project.

Senator SUTHERLAND. Lots in the town site under the law would have to be sold to the actual occupant, would they?

Secretary GARFIELD. Yes, sir; I understand so.

Senator SUTHERLAND. Would there be any possibility, under the provision of the law, for any corporation to acquire the ownership of a complete town site, let alone thirteen?

Secretary GARFIELD. Certainly; originally from the Government; whether they could, of course, purchase from those to whom title may have been given thereafter, I do not know.

Mrs. GREY. Or before the Huntley project was organized? The land under this bill was put into a water users' association, was it not?

Secretary GARFIELD. Not at all.

The CHAIRMAN. The letter which Mrs. Grey submits may be read by the reporter and considered as offered in evidence.

The letter is as follows:

NOVEMBER 13, 1907.

Mr. HERBERT WELSH,
Indian Rights' Association, Philadelphia, Pa.

DEAR SIR: I understand you are seeking information regarding the character and standing of Mrs. Helen Grey, now in controversy with the Government authorities at Helena, Mont. I have known Mrs. Grey as a newspaper and magazine writer for some years, and, to my knowledge, she has borne a reputation unshadowed by an untoward word. She impressed me always as upright and earnest, with an ethical interest in the work she undertook beyond the mere livelihood in it.

When she became interested in Indian affairs she told me her story and my superior was interested to the point of having her represent us. The "story," as it developed, did not warrant our publication.

I am writing this in a personal way, to give my testimony to the character and standing of a worthy woman.

Sincerely, H. L. REIWITCH, *Night Editor.*

The CHAIRMAN. Mrs. Grey also submits the following editorial which she desires read and it may be received in evidence.

The paper was read as follows:

[Billings Daily Gazette, Friday, April 3, 1908.]

SHE SHOULD BE SQUELCHED.

Mrs. Helen Pierce Grey, who gained considerable notoriety in Montana last fall by making charges of graft in connection with the conduct of the Crow Indian Reservation, is now in Washington telling her tale to the Congressional committee. The persistency of this woman confirms the statement of the grand jury that her charges were the product of disorganized imagination. Mrs. Grey and her cohorts, the officers of the Indian Rights' Association, were given every opportunity to prove the charges she made. People who were acquainted with the officials of the reservation did not for one moment suppose there was any truth in them, and when she had produced her evidence, when she had summoned many Indians to Helena and they had testified before the grand jury, composed of some of the most intelligent men in the State, dismissed the charges, and it is said permitted her to escape indictment only through sympathy. Yesterday, for the Congressmen she added proof to the accusation that she had conjured up in her own mind the charges against the reservation officials, and that they were made out of whole cloth. She told the committee that Secretary Garfield told Chief of Police Talgo that she was a "dangerous blackmailer and adventuress." Secretary Garfield denied the charges. Last night Chief of Police Talgo denied it and said he had never talked to Secretary Garfield about her and was not personally acquainted with the Secretary. Women such as Mrs. Grey, who make their living by bringing such charges can always find listeners into whose ears they can pour their tale of woe, but the best way is to pay no attention to them. Some one should squelch Mrs. Grey.

Mrs. GREY. This is the sort of associated press news that was sent all over the country. The paper belongs to Charlie Bair.

The CHAIRMAN. You say you want this paper put in evidence.

Mrs. GREY. Yes; these are my charges.

The CHAIRMAN. They may be received in evidence.

Papers are marked Exhibit H. P. G., No. 2, and are as follows:

EXHIBIT 1.—H. P. G. No. 2.

U. S. *v.* REYNOLDS.

1. If Reynolds is required to swear to his reports, it is probable that perjury may be assigned on his returning wages paid to Carl Leiter as boss herder. (Records.—1. Dalby says he is agent for Henry. 2. E. L. Dana, Harry Chatham, Joe Cooper. Stock record.) (Embezzlement? Perjury?)

2. Same conditions as to Richard Wallace and Snokey. W.'s salary comes from Government funds, while Leiter's from Indian's funds. (Witnesses, same.)

3. Two years ago Reynolds bought out of the Indian funds two thrashing machines at $10,000 reported. The machines were offered to Mr. S———, Parkman, at $6,000, their fair price; presumably the steal was divided between R. and the agent selling or the whole swiped by R. (E. N. Sargent, Harry Thompson, Tom Doyle.)

4. R. let one of the machines go off the reservation for the use of Frank Henry, and Tom Doyle's crops were destroyed and those of other Indians because they had no one to thrash. (Sargent, Thompson, Mr. Dana, father of E. L.; Tom Doyle, Geo. Pease, Don Hardy.) (Willful malfeasance.)

5. One Nat Cooper was charged with stealing 4 horses and branding them with his brand. They were so clearly identified that the Indians took the horses. Proof can be made. Wett, Plenty Coos and Hides, Coyote That Runs, Albert Linerly, Paints Himself Plenty, H. G. Mills, Frost.

6. Allotments have been made to Fred Miller and his wife, or at least he has made selections for them, which he could not do if their names are not on the roll. If they

are they are there fraudulently to the knowledge of Reynolds, as the wife is not a Crow. Miller has frequently tried to have her adopted and has failed. The roll is made by the agent and is unquestionably sworn to. (Records.—Plenty Coos, Mary Shane One Goose.)

7. Reynolds refused to let the Indians sell horses to John Boos, a buyer. They were afterwards sold to Frank Henry for very much less. R. admitted to Mrs. Grey that he shared in the profits. He lets only favored buyers buy of the Indians. (John Boos, Bright Wings, Spotted Horse, Packs-his-Hat. Mrs. Grey.)

8. Voil, son of John Voil, and his cousin Dempsey stole two horses. They were arrested at Sheridan but turned loose, as he said because their mother was sick, as R. told Mrs. Grey, but as reported because the Voils were with R. on the Garvin Basin raid. (John Boos.) Knows His Course and Whinner owned horses.

9. Clarence Brown, a brother-in-law of Reynolds, was drawing $1,200 a year as boss farmer, in Black Lodge district, where he was living at the agency and clerking in Bailey's store, Mrs. Bailey being his sister also. (Records.—Fred Server, Mrs. Grey, Miss Hough (seamstress), Mr. Ballou (carpenter).)

10. Besides Reynolds being a stockholder in the Bull M. Co. the following have cattle on the reservation: Van Hoose, farmer; Connolly at Mission, who is farming on his own account. (Plain Feather, John Knows His Gun Well. Harry Scott.)

11. While Mr. Grey was in Washington, Bair drove off 23 bands. (Is there not a statute making it penal to drive sheep off without inspection?)

(Witnesses: Horace Long Bear, Ralph Sago, Holds-his-Enemy.)

12. When the Bull M. cattle came on they were not inspected. (Chas. Yarlet, Ten Bear, Harry Thompson, Frank Gordon.)

13. Neither were Hysham's horses when they were driven off.

14. Carl Rankin was formerly engineer on crops of his father, allotting agent, while advertising as agent for Lincoln Townsite Company that got lands hereafter mentioned. Was "engineer" living in Government house at agency—probably on salary.

The CHAIRMAN. What is this paper that is marked "Exhibit H. P. G., No. 2?"

Mrs. GREY. This is a list of the charges that I made and the witnesses that I wish called. Very few of them were called.

The CHAIRMAN. To whom did you give this?

Mrs. GREY. To the United States district attorney through my attorneys in Helena. I think it is exceedingly important to show that the report that they made was absolutely false, because these are the witnesses that I asked be called, and the witnesses that were not called and which I would like to have had called.

The CHAIRMAN. Mr. Secretary, have you any correspondence between yourself and the Indian chief of police at the time of your visit?

Secretary GARFIELD. There is a letter that I sent to the headmen of the different tribes. I do not remember their names.

Mrs. GREY. That is one letter that I would like to have. The other is the letter that Mr. Reynolds was using there with the jurors, and the third is a letter that was written to the chief of police, Big Medicine, that he received at Billings and that he used with the Indians at the time of the grand jury.

The CHAIRMAN. You may treat that statement of Mrs. Grey as a request from the committee, if you have the correspondence.

Secretary GARFIELD. I do not know what letters Mrs. Grey refers to as having been used before the grand jury. I can furnish the committee a copy of a letter which I sent to Plenty Coos and the headmen of the different tribes. It was sent June 26, 1907, and the following letter was sent to Plenty Coos, Medicine Crow, Big Medicine, Two Leggins, Spotted Rabbit, and Stops. The letter is as follows:

UNITED STATES SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Billings, Mont., June 26, 1907.

MY FRIENDS: I am very sorry that I could not see you and the other members of your tribe personally during my visit here. The inspector whom I sent to you (Mr.

Dalby) has given me a full and accurate report of the conditions that now exist upon the reservation. He not only has written me, but he has told me of the trouble which Mrs. Grey has caused among your people. I am very pleased that he has been able to show you the truth, to find out what have been your troubles, and to explain to you what the Government is trying to do for you and your children.

It is my wish that none of you have anything more to do with Mrs. Grey. She has acted entirely without authority from me, or from any other person in Washington, and entirely against your best interests. The President and I discussed very fully all of the various charges made by Mrs. Grey, gave her every opportunity to prove them, and I finally sent one of my most trusted inspectors. The report of Mr. Dalby shows conclusively that none of Mrs. Grey's charges were founded upon fact. They were not only false, but they could not have been intended for any good purpose to your people.

It is my earnest wish that from this time on none of you have any communication with Mrs. Grey. It is my further wish that you follow the advice given you by Mr. Dalby, the inspector, and Mr. Reynolds, the agent. The charges made against Mr. Reynolds were malicious and false. He has my confidence, and I ask that you give him yours. If you have any just cause for complaint, you need not go to any outside person. You may address your communications direct to the agent or to the inspector, Mr. Dalby, and I can assure you that any letter from you will receive their most earnest and careful consideration.

Will you please read this letter to the other leading men of your district? I shall communicate personally to the leaders of the other districts. Nothing but harm to you and your people can result from such trouble and agitation as has resulted from Mrs. Grey's visit.

I am sending you this letter through Mr. Dalby.

Your friend,

——— ———,
Secretary.

After the report given me by Mr. Dalby at Billings, to which I referred this morning, and going over with him in detail all of the information that he had, and getting from Agent Reynolds all the information that he had, I wrote that letter that I have just read and sent it to the persons indicated for the purpose of advising them exactly what my feeling was about the conditions existing on the reservation.

The CHAIRMAN. Do you recall having written any letter to Mr. Reynolds?

Secretary GARFIELD. I do not; I have written a number of letters to Mr. Reynolds.

The CHAIRMAN. I mean at that time.

Secretary GARFIELD. I do not. There was a separate letter sent to each one of the people whose names I have read.

Mrs. GREY. A copy of this?

Secretary GARFIELD. Yes.

Mrs. GREY. This was written some time previous to this. The letter I refer to came at the very end of December.

The CHAIRMAN. Do you recall having written any other letter to Big Medicine than the one you have referred to?

Secretary GARFIELD. I do not. I will have the files searched, but I have no recollection of writing any other letter to an Indian.

Mrs. GREY. Just when they were going up to Helena?

Secretary GARFIELD. No; I have no recollection of that.

Mrs. GREY. It was used extensively in Helena at this time

The CHAIRMAN. Now the committee will hear Commissioner Leupp.

STATEMENT OF HON. FRANCIS E. LEUPP—Resumed.

Commissioner LEUPP. Mr. Chairman, before going on to the horse-farm bill, I want to make one little addition to my statement this morning. I will simply ask permission of the committee to answer

this statement regarding my own alleged interest in any land in Montana. I desire to state that I never have owned any—it may be that I stated it in the present tense this morning—that I do not own any, and have no interest in any. I never have had any interest in any. I have never owned or had any interest in a single foot of land in the State of Montana, except the building lot that I spoke of in Helena. I want to make it as broad as it can possibly be made.

Senator DIXON. I want to ask the Commissioner one other question. How many times have you ever visited the Crow Agency?

Commissioner LEUPP. Once.

Senator DIXON. That was in 1905?

Commissioner LEUPP. In 1905; yes.

Senator DIXON. What was the general condition that you found existing in that agency regarding the condition of the Indians, their employments and general progress?

Commissioner LEUPP. Well, that I shall have to answer in this way, that I came there only incidentally to my visit to the Wind River Reservation, and made no investigation of any kind. I saw nothing and heard nothing there which led me to change the judgment that I had already formed from the records of my office as to the good condition of things there.

Senator DIXON. Mr. Commissioner, this hearing was primarily called to consider the bill which I had introduced to open the Crow Reservation to settlement, and also another bill which we had agreed to consider in connection with the bill to open the reservation, which is for the purpose of establishing a horse-breeding farm on a part of the reservation lands, to be conducted by the Crow Indians, under the supervision of the Indian Office, for the purpose of raising horses for the Army, and for other purposes. Are you familiar with either of the bills to which I have referred?

Commissioner LEUPP. The horse-breeding proposition was one that I took a very considerable interest in myself, and I believe that I have the original rough draft prepared in my office.

Senator DIXON. For the horse-breeding farms?

Commissioner LEUPP. Yes, sir.

Senator DIXON. Then you are perfectly familiar with the purposes and intents of the bill to establish a horse-breeding farm on the reservation?

Commissioner LEUPP. Yes, sir; I can say that I am familiar with it. I certainly am with the purposes of the bill, but the exact language I had to leave to some of my legal advisers in the office.

Senator DIXON. But the general draft of the bill was prepared under your supervision?

Commissioner LEUPP. Yes, sir.

Senator DIXON. Will you please state to the committee, Mr. Commissioner, what your purpose was in preparing this draft of the bill for establishing this horse-breeding farm?

Commissioner LEUPP. I was desirous of giving the Crows some means of using their lands profitably to themselves, and bringing up their young men to some occupation which would be gainful to them, and at the same time keep them from idleness, the great bane of very many of the Indians on all reservations. The reservation was soon to be opened, and I felt that if we could save from 250,000 to 350,000 acres of that land for this particular purpose, now was the

time to bring it forward. The Crows have always been extremely good horsemen. A year or so before this matter came up I discussed very fully with the two committees of Congress my project for introducing sugar-beet raising among them. As that did not succeed, I did what I am accustomed to do in these cases, and fell back upon the next best thing, as it seemed to me. I thought the beet proposition would perhaps be preferable to any other, but as that was not coming to anything I tried this horse-farm plan.

The idea was to take some large tract, like 250,000 or 350,000 acres, of the tribal lands and set that apart to be used as a grazing ground, establishing stables and paddocks and other things necessary to a stock project, in order to make all the Indians, as a tribe, parties to the enterprise, and also to give any individuals who had rather more initiative and a more progressive disposition than the others a special interest in it.

The plan was to have a capital stock of $200,000—that was the amount named in the bill, with a view to making any changes that might be necessary afterwards—and that one-half of it should be preferred stock and one-half common stock.

Senator DIXON. I think it was three-fourths and one-fourth, as I read the draft.

Mr. LEUPP. Well, I had forgotten.

The CHAIRMAN. That is the present ratio.

Commissioner LEUPP. The preferred stock was to be owned by the tribe as a tribe, and the common stock was to be subscribed for in the same way that white people subscribe for stock in any enterprise. The corporation formed was designed to procure a more equitable distribution of the burdens and the products of this farm; also to hold the whole thing together in such form that whatever legal liabilities the Indians had rendered themselves subject to, or whatever claims they had against any other parties, could always be asserted. The tribal lands were to be the contribution of the tribe, if they wished to go into this proposition, and the capital stock was to be returned to them as an equivalent or quid pro quo.

Senator DIXON. The tribal land set aside was to be the basis of the issue of the preferred stock, and that represented the value?

Commissioner LEUPP. Yes, sir; the assets were to be a large part of the capital. The corporation was to begin business as soon as a certain number—I think 100—shares of the common stock had been subscribed for by the Indians. The subscription might be made either in money—which it was improbable that many of the Indians would have—or in mares, turned in for breeding purposes; and in case any Indian allottee had surplus land which he preferred to turn in in that way and take stock from the company in exchange, he would be privileged, under certain departmental supervision, to do so. Of course, it would take some five years or so to get the plant to a profit-bearing stage, because the colts must first become of marketable age. That we wanted the Indians particularly reminded of.

Before going into this matter I consulted General Humphreys, who was then Quartermaster-General of the Army, with regard to the Government's interest in any project for a remount farm. He was very much interested in it, and General Aleshire, the present Quartermaster-General, lent me a report which he had made on the same subject. This I considered, and then after the bill had been

drafted a copy was sent to General Aleshire for his opinion, and I have a statement from him here. The notion at the bottom of it all was that the Government, needing a certain supply of these horses every year for army purposes, would form the Indians' chief customer and would be the preferred customer.

Senator CURTIS. But in order to do that, in order to produce horses that the Government would buy, you would have to improve the breed greatly, would you not?

Commissioner LEUPP. Certainly; that was a part of the general scheme.

Senator CURTIS. There are not many of those Indian mares there that would be good to start off with, are there?

Commissioner LEUPP. The Indian mares are good, as Major Wolcott and other experts who have been there say. Of course, you would want stallions of some desirable breed, and on this feature I consulted among others Mr. Borden, of Fall River, who has made a long study of the Arab horse and has written a book on it.

Senator CURTIS. But you know, do you not, that only about one horse out of a thousand is a good cavalry horse?

Commissioner LEUPP. But the point is that in foreign countries they have remount farm systems, which are perfectly workable. There was no purpose in going into this until we had found out, as definitely as it was possible to find out, what would be the result of such a breeding project.

Senator DIXON. You said that General Aleshire submitted some statement?

Commissioner LEUPP. The Quartermaster-General, on January 4, 1908, in returning the papers, said:

> The plan of breeding horses outlined in the bill herewith if carried into effect and successfully conducted so as to produce the class of horses desired for remounts for the cavalry and other arms of the service, would be of great benefit to the service and facilitate the supply of young horses under a remount service, such as outlined in the annual report of this office for the fiscal year ended June 30, 1907. It is thought, however, that a number of years—eight or ten—must elapse before any considerable number of animals could be furnished that would be acceptable as remounts. In the interests of all concerned it is believed that the bill should receive favorable consideration.

This was concurred in by the Secretary of War.

Now, of course, there was further information to be sought. As soon as we had got the matter under way so that Congress could consider it, it was my purpose to procure advice from some of the more prominent men in the horse-breeding business.

I believe the Secretary had some conversation with an officer who came down from the War Department, Captain Lee, but all I know is that Captain Lee expressed a general opinion as to the excellence of the project. I would prefer that the Secretary, if he cares to, should state to the committee the particulars as to that.

The company was to be organized with a board of directors composed of leading men, and the principal directors—the majority of directors—should be officers of the United States Government. The project, I believe, as we had it originally, was that the agent should be the president of the company and that I should——

Senator SUTHERLAND. The bill provides for a superintendent.

Commissioner LEUPP. I notice that the bill provides "the agent of the Crow Agency, ex officio president; a superintendent to be

employed with the consent of the Commissioner of Indian Affairs shall be ex officio secretary and treasurer." The bill further provides that "they, with an Indian stockholder, elected by the holders of the common stock, shall constitute the board of directors." The purpose of having that arrangement was to prevent any mistakes on the part of the Indians in handling the business. Preference was to be given to Indian men in the employment of labor on the horse-breeding farm.

Senator PAYNTER. Have the Crow Indians any money to their credit in the Treasury of the United States or any money other than that in the First National Bank at Billings?

Commissioner LEUPP. Yes, sir; there is $93,000 actually in the Treasury now, but the estimate of expenditures for 1909 amounts to something like $17,000 to be paid from Indian moneys, thereby reducing the amount to $76,000.

Senator CURTIS. Is that all they have in the trust fund now?

Commissioner LEUPP. That is all they have that is applicable to any of these purposes.

Senator CURTIS. Would this money that is derived from the sale of their land be applicable?

Commissioner LEUPP. I think not.

Senator CURTIS. Unless there is some special act of Congress?

Commissioner LEUPP. That is as I understand it.

Senator DIXON. I will say that under the act of 1904 the original $1,100,000 that the Indians agreed to sell the land for, as it is paid in, goes into the different funds for hospital, horses, farming implements, etc. As originally agreed on in the council held in 1899, the excess from the sale of these lands, which I think conservatively ought to be a million dollars, will fill up all the various items agreed on in the conference, of $100,000 for this and $50,000 for that. It will fill them up full and still leave a million dollars surplus funds, which will be tribal funds to be divided, and that is not taken into consideration with any money that will be received from the sale of the excess land to be sold in contemplation of the bill now under consideration.

Senator SUTHERLAND. It is proposed, as I understand it, under this bill, Mr. Commissioner, to issue three-fourths preferred and one-fourth common stock, and any Indian would be permitted to subscribe to the common stock.

Commissioner LEUPP. Yes, sir.

Senator SUTHERLAND. The amount that any Indian may take, of course, is unlimited.

Commissioner LEUPP. Yes, sir.

Senator SUTHERLAND. And the proposition is to finance the corporation with the moneys derived from the sale of the common stock, and with this money that is now to the credit of the Crow Indians that you have indicated.

Commissioner LEUPP. Yes, sir.

Senator SUTHERLAND. But also to set aside a tract of tribal land. How many acres was that?

Commissioner LEUPP. We put it at about 350,000; it is not to exceed 350,000, as stated in the bill.

Senator SUTHERLAND. Or land suitable for grazing?

Commissioner LEUPP. Yes, sir.

Senator SUTHERLAND. Now, was it your idea that this bill should be passed in connection with the bill for the opening of the reservation, or wholly independent of that?

Commissioner LEUPP. My first plan was to have it independent of the opening bill, but afterwards I was reminded of the fact that the opening bill had made no provision for the reservation of such a tract as that, and therefore I thought it would be a wise thing to incorporate this with the opening bill so as to be sure of getting——

Senator SUTHERLAND. To provide in the opening bill to reserve 350,000 acres of grazing land?

Commissioner LEUPP. Yes, sir; for the purpose of this horse-farming project, or if that should not prove feasible, or if the Indians did not care to go into it and subscribe for the stock, then, of course, it could be handled differently.

Senator SUTHERLAND. Suppose we passed the opening bill and the Indians were allotted land in severalty; under the law, then, they become citizens of the United States.

Commissioner LEUPP. None of them since the act of May, 1906, known as the Burke Act, would become citizens of the United States until they received their patents in fee. Any allotted before that date are already citizens.

Senator DIXON. An allottee on the Crow Reservation is not a citizen?

Commissioner LEUPP. There are three stages that we have always recognized in the process of allotment—the selection, the approved selection or allotment proper, and the patent.

Senator SUTHERLAND. The thought that I had in my mind, Mr. Commissioner, was whether or not, if these Indians become citizens of the United States, Congress would have any authority to provide for an incorporation among them?

Commissioner LEUPP. That is, it being a State matter?

Senator SUTHERLAND. Yes; I suppose we could proceed now, as long as they are strictly wards of the Government, by virtue of our general power to deal with the affairs of the Indians, but if they become citizens of the United States I was wondering whether or not we would have the right.

Senator CURTIS. We could use their tribal property even after they became citizens of the United States?

Senator SUTHERLAND. Yes; we would still have jurisdiction of their tribal property; we could not only provide for the using of the tribal property, but would provide for their subscription as individuals to stock. We provide for using their tribal funds.

Senator CURTIS. The stock that they would subscribe for as individuals and put their own money in would be their independent property?

Commissioner LEUPP. Yes, sir.

Senator DIXON. That would be personal property belonging to the Indians.

Senator SUTHERLAND. But the question in my mind was as to the power of Congress to do that.

Commissioner LEUPP. To pass a national incorporation act of this sort?

Senator SUTHERLAND. Yes.

Commissioner LEUPP. I had supposed that there was enough authority resident in Congress, as long as tribal property was involved—that is, allowing the Indians to devote 350,000 acres of their land for the uses of the corporation—to give an act of this sort a status.

Senator SUTHERLAND. You may be quite right about it. I was simply speculating about it.

Senator DIXON. There is no question as to the power of Congress to incorporate a company by an act of Congress.

Senator SUTHERLAND. Any corporation?

Senator DIXON. Well, for this purpose, respecting wards of the Government.

Senator SUTHERLAND. As long as they remain strictly wards of the Government I should be inclined to think that we had the power. We certainly would not have the power to provide that a horse-breeding corporation might be organized in the State of Montana and the stock to be subscribed by the State of Montana?

Senator DIXON. But this corporation would be authorized by the Congress of the United States.

Senator SUTHERLAND. I understand. But I say we would have no power to do that when these Indians become citizens of the United States. We would have no more power to interfere with their affairs than we have with the affairs of the ordinary white citizens. In other words, what Federal question is involved?

Senator DIXON. At this time I do not think that it is a Federal question; that Congress has the power to authorize the corporation.

Senator SUTHERLAND. As I have said, I do not agree with that, and that is why I asked the Commissioner about it.

Secretary GARFIELD. That question, I think, resolves itself into the primal question of the ownership of the land. At present the land belongs to the United States, and it has the right to dispose of it in such way as Congress may prescribe. The use of that land had been allotted to the Crow Indians. In the final disposition of that land Congress may dispose of it in such manner as it sees fit, and therefore it is very necesssary that this bill, if it be adopted, should be either adopted at the same time with the final division of the land or be passed before, because, as Senator Dixon suggests, if once the land is sold and the allotments are completed as to the surplus, then Congress would be without power to deal with it. But the title is in Congress. It is acting for the Indians in this matter as a tribe, so far as their surplus land is concerned, and I think there would be no doubt as to the authority of Congress to begin the work of the organization of a company to deal with so much of this land as they may separate from the total area. In other words, it is affixing to the land that may be deeded the burden of the land itself—namely, that it shall be used for a certain purpose and in a certain way.

Senator CURTIS. For the benefit of the Indians?

Secretary GARFIELD. For the benefit of these Indians.

Senator SUTHERLAND. You said the lands were owned by the United States. You did not quite mean that, did you?

Secretary GARFIELD. I say the title is in the United States subject to such use as Congress has permitted to the Crow Indians, and such right as they may have under the statutes of the United States.

Senator SUTHERLAND. I understand that the Crow Indians have just a title by occupancy and that the State has no title to the land, has it?

Secretary GARFIELD. Yes; the only Indian lands that were not owned by the United States were those of the Five Tribes. As to all other Indian land the title is in the United States.

Senator SUTHERLAND. You mean the naked fee is in the United States?

Senator CURTIS. We hold it in trust for the Indians.

Senator SUTHERLAND. As I understand it the United States Government, as to this land, occupies the position of a trustee, holding the naked title in trust for the Indians, and that the Indians own the beneficial title.

Secretary GARFIELD. In one sense, yes; and in another sense, no. For example, the Indians on the Crow Reservation could not by action compel the United States Government to transfer this unallotted land to them.

Senator SUTHERLAND. Because they would have no standing in court?

Secretary GARFIELD. No; in other words, Congress has simply permitted them to use and occupy that area under certain restrictions and under certain conditions. Now, Congress has had in its mind, as evidenced by its acts, the idea that when that land was sold the benefit, or rather the proceeds of the sale, would be given to the Indians, or used for their benefit, but there is nothing that could in any way bind Congress, and there is no contract that could be enforced in court as against the United States and in favor of the Indians in the distribution of the proceeds.

Senator SUTHERLAND. That, as I understand it, is because the Indians would have no standing in court.

Secretary GARFIELD. Exactly.

Senator SUTHERLAND. It may be said, in one sense, that Congress occupies the position of trustee and also a court. It has plenary power over the whole matter.

Secretary GARFIELD. The action of Congress is final. It may take it away from the Indians entirely as long as they are not American citizens.

Senator CURTIS. I do not agree with you that we could take it away from them unless we give them some consideration. They would have forever a claim against us.

Secretary GARFIELD. They would have a claim, but it would not be one that could be enforced in court. It would only be acknowledged by Congress itself.

Senator CURTIS. We would have to authorize them to bring suit.

Senator DIXON. You do not mean to say that Congress could not allot these Crow Indians whatever amount in their judgment they thought right and throw the rest of this land open to homestead settlement, without regard to the Indians?

Senator CURTIS. Of course Congress could do it. The court has so held, but the Indians own that land and are entitled to pay for it, and the courts have so held.

Senator SUTHERLAND. It would be an inequitable thing for Congress to do.

Secretary GARFIELD. I quite agree that in all equity and fairness that should be done. I was simply presenting what the legal situation is, in answer to a question by Senator Sutherland as to how the Government could use this land for the purpose of creating a company to own the land and use it for the purpose of breeding horses. It is simply where the legal title lies, and what control Congress would have over the legal title, and what restrictions we might impose on that land when it disposes of it.

Senator SUTHERLAND. I agree with you that Congress has plenary power over this land. In other words, I think that Congress has precisely the same power to deal with the Indian land as an ordinary trustee, together with the court, would have to deal with the land of an ordinary ward.

Senator DIXON. Congress makes no reporting to the court.

Senator SUTHERLAND. Congress is the court itself.

The CHAIRMAN. This is an interesting legal discussion, but I think it would be better to return to the facts as to the horse bill.

Senator DIXON. Yes; now let us ask something more about the horse bill. Mr. Commissioner, in your opinion what would be the effect of creating this corporation and setting aside these lands and trying to induce the Crow Indians to go into the horse-breeding business; is it a wise experiment to try or not?

Commissioner LEUPP. I should consider that it was. As it is now, the Indians have lands which some of them will work and some will not. If I could always be assured of the Indians actually sticking to their work and keeping it up in spite of the vicissitudes of changes at the agency, and so forth, I would feel content to let them go on in the present way; but it seems to me that it is most desirable, if you can find something to which they take more kindly than to farming, it should be done. Plenty Coos told me once that while he does do some farming, he does not feel that he is a farmer. I believe he testified to something of that kind here also.

Senator DIXON. He made himself out a good rancher before the committee.

Commissioner LEUPP. I did not read his testimony through; but he has intimated, and other Indians have said something of the same sort to me, that they thought that if they could get some place where they could raise stock and make money out of it, that they would get along faster than by simply farming.

Senator SUTHERLAND. Are these 350,000 acres that are proposed to be taken by this bill lands that are only available for grazing purposes, or are they lands that are also available for cultivation?

Commissioner LEUPP. As I understand it, there is very little of this that would be available for farming. I made particular inquiry into that in the first instance. Of course I have not been there to examine the question myself, and I do not know that I would be competent to judge if I had been. But that was the first question which I raised with regard to this matter when I was discussing it with some of the gentlemen who have been on the ground. One was Col. F. E. Wolcott, of Nebraska, who came to me with a letter from the President on this subject.

Senator DIXON. Major Wolcott?

Commissioner LEUPP. Yes; Major Wolcott. He had made quite an extensive investigation as to this land and had a lot of photographs

that were taken showing the different tracts which he had in mind with regard to it. He has also made a good deal of a study of horse raising generally. That is the way he came recommended to me—as a horseman. His plan contemplated using land which could not be turned to any valuable use, or to any nearly so valuable as this—for farming purposes.

Senator SUTHERLAND. Please state, if you know, how many horses could be pastured on this land.

Commissioner LEUPP. That is one of the details that I would have to go into further. The present idea was simply to get from Congress such encouragement as would make it worth while to go into this matter more elaborately while the opening bill was before Congress.

Senator SUTHERLAND. Your notion, as I understand it, is that if you did not make the provision which you have suggested, that throwing this land into the public domain to be sold as the other lands are, would leave 350,000 acres to be disposed of as grazing land.

Commissioner LEUPP. That is the way I took it; yes, sir.

Senator DIXON. Of course there might be some patches on that area of country where you could feed those horses in winter?

Commissioner LEUPP. Yes, sir.

Senator DIXON. And it would be very necessary to have some hay as well?

Commissioner LEUPP. Yes, sir.

Senator DIXON. In reply to Senator Sutherland's question as to how many 350,000 acres would maintain, the testimony the other day was about 20 acres to the horse to range in. At that ratio this land would maintain 17,500 horses. Mr. Commissioner, in the event this horse-breeding farm proved not successful to the Indians after it had been tried out, there would be no reason on earth why Congress could not dispose of it afterwards for the benefit of the Crow tribe, would there?

Commissioner LEUPP. None in the least. It is an experiment.

Senator CURTIS. If you sold stock to outsiders, you would have to settle with the stockholders?

Commissioner LEUPP. The stock would be disposed of exclusively to the Indians.

Senator CURTIS. You would not sell any stock except to the Indians?

Commissioner LEUPP. None in the world. The whole thing was to be an Indian proposition. The Indians could go into it or not, as they chose.

Senator CURTIS. Then you have to consider another proposition if the Indians got the money.

Commissioner LEUPP. As is provided in the bill, not only a money consideration would be taken for this common stock, but mares, or land that the Indians did not cultivate in any other way.

Senator CURTIS. Alienable land.

Commissioner LEUPP. Yes, sir.

Senator SUTHERLAND. Do you reserve the right in the bill to dissolve the corporation if it should not turn out to be profitable?

Commissioner LEUPP. It could be dissolved either voluntarily or involuntarily.

Senator SUTHERLAND. Voluntarily would be by the ordinary process?

Commissioner LEUPP. Yes, sir.

Senator SUTHERLAND. Do you think Congress would have the power, unless it was reserved, to dissolve a corporation of that kind?

Commissioner LEUPP. We have a provision already in the bill, "The corporation created shall exist for not more than thirty years, unless its life be extended by the Congress, and it may be dissolved by the consent of the stockholders." Now, I would take it that Congress would in that case simply pass an act at the request of the stockholders.

Senator SUTHERLAND. Of course any corporation could be dissolved by the consent of the stockholders.

Commissioner LEUPP. I do not see that there is any provision to enable Congress to close up the concern without the consent of the stockholders.

Senator SUTHERLAND. Has any project of this kind ever been tried before that you know of?

Commissioner LEUPP. Yes; I want to say that the corporation experiment has been made by the Eastern Cherokees. They voluntarily resolved themselves into a corporation several years ago under the State laws of North Carolina.

Senator CURTIS. The New York Indians are incorporated.

Commissioner LEUPP. I had forgotten that. I have so little to do with them that the fact had escaped my notice.

Senator SUTHERLAND. Are they citizens?

Senator CURTIS. No; they are still drawing annuities.

Senator SUTHERLAND. They are citizens. Do they not vote up there?

Senator CURTIS. I do not know whether they do or not.

Commissioner LEUPP. They are unallotted and do not vote.

Senator CURTIS. And are incorporated under the laws of the State of New York?

Commissioner LEUPP. There are a number of them undoubtedly who do vote because their vote has never been questioned, but they are those who have so large a predominance of white blood that they could not be distinguished.

Senator DIXON. Mr. Commissioner, what is the present policy of the Indian Office toward opening reservations where the Indians have been allotted and there is a large amount of surplus land after allotting to the Indians?

Commissioner LEUPP. The policy is in the direction of opening just as soon as the best interests of the Indians will permit.

Senator DIXON. From your knowledge of the Crow Indian tribe, has the time arrived when this reservation could be opened with safety to those Indians?

Commissioner LEUPP. I believe so. I ought to add, in explanation of that, that I have rather radical views on the question of opening reservations; that is, I believe, that with the temper we now have in Congress, the kindly disposition toward them, the Indians had better take advantage of it and get what is coming to them, and have it nailed down so tight that nobody can take it away. Because I think, from the way things are moving, that the time is not far off

when there will be a set of the tide in the other direction, and the Indian will be overslaughed unless he is looked out for now.

Senator CURTIS. In view of the fact that we authorized the opening up of a large part of the reservation under the act of 1904, which has not yet been sold, would it not be better to delay the opening up of this reservation until the lands are disposed of under that act of 1904?

Commissioner LEUPP. Well, no. I should have been in favor, if I had been in office at that time, of opening still more than was opened then; so I can candidly say that I am glad to get these lands opened as fast as we can.

Senator CURTIS. You know, do you not, that the more land you open up, and the more you put on the market, necessarily the lower the price it will bring?

Commissioner LEUPP. I suppose that the general principle of supply and demand would apply to that; but at the same time I feel that the sooner the Indian is set on his feet in that way as an independent property owner, and gets out from under the supervision of the Government just as far as that supervision can be withdrawn safely, the better for the Indian. I think independence is a great educator, and I have that same feeling about all of these people. The reservation policy is a curse and a degradation to them.

Senator CURTIS. You are not blaming the Indians for that policy, of course?

Commissioner LEUPP. No, sir; I feel that they were wronged by the Government long ago, when that policy was adopted.

Senator DIXON. In keeping them herded on the reservations?

Commissioner LEUPP. I think that is abominable.

Senator CURTIS. You know that until Mr. Jones was Commissioner of Indian Affairs the policy of the Government was absolutely to keep an Indian on his reservation?

Commissioner LEUPP. I know it. That was tried once during Secretary Schurz's time with very ill effect—in the Ponca case.

Senator CURTIS. Is not your office holding to-day that because certain Indians have not affiliated with their bands they are not entitled to participate?

Commissioner LEUPP. No, sir.

Senator CURTIS. Are you not doing that in the Osage cases?

Commissioner LEUPP. You say "affiliated?"

Senator CURTIS. Yes.

Commissioner LEUPP. We deal with the question in this way: We take each independent case and study out its particular features; these are questions of fact very largely; if we find that these people have been recognized as Indians and have been treated as such by their fellows, that they are entitled to tribal rights—if the tribe consents. That is something we always require.

Senator CURTIS. Under the act of 1887 encouragement was held out to the Indian to leave his reservation and become a citizen and stay away from his tribe; and if he would do that he still would have a right to participate.

Commissioner LEUPP. Yes, sir; and that is my position to-day.

Senator CURTIS. And yet in the Osage cases you are holding, as I understand from reading some of the letters that come to me, that

because Indians of that tribe have not stayed with the Osages, though there is no question about their blood, they can not participate.

Commissioner LEUPP. I hold that they shall not be enrolled contrary to the wishes of the tribe.

Senator CURTIS. That is not the question.

Commissioner LEUPP. It is the question, if you will excuse me, Senator.

Senator CURTIS. I am asking about the policy of the Office.

Commissioner LEUPP. I understand; but here comes a person requesting permission to be enrolled right over the head of the tribe—to be placed on the tribal rolls of the Osages because he can show his Osage blood, etc., but irrespective of the wishes of those already enrolled. I feel that that is a pretty dangerous power to put in the hands of the Government—the right to compel an Indian tribe to make a member of somebody whom it does not wish to enroll.

Senator CURTIS. If it is shown by the rolls of the tribe, by the documents in your Office, that that Indian is really a member of that tribe, and of the blood of that tribe, that he has simply done what the law says he may do, do you think he ought to be kept from the tribe simply because the officers of the tribe think he ought to be kept away?

Commissioner LEUPP. I am not aware of any such ruling as that.

Senator CURTIS. That is the way I understand your statement, that if the tribe objects——

Commissioner LEUPP. Oh, if the tribe objects. But, if he is already on the roll, how can the tribe object?

Senator CURTIS. I do not say that he is on the roll. I say if the records of your Office show that he is of that tribal blood, that he is of Osage blood, and your rolls show that his mother was an Osage, for instance, and yet he has gone off the reservation to make a citizen of himself, you deny him enrollment because the Osage council says they do not want him put on the roll because he has not participated with the tribe.

Commissioner LEUPP. If he is not already on the roll, and the Osage council, in revising the roll, says it does not wish this man on the roll, I should stand by the council unless there was some very strong reasons for not doing so.

Senator CURTIS. Where his own mother was on the roll?

Commissioner LEUPP. It is a question of whether the tribe proposes to recognize him or not. It seems to me that as long as the property to be divided is theirs they have the right to say——

Senator CURTIS. Well, I would not undertake to settle that question in this case.

Senator DIXON. I want to make this observation, in view of what Senator Curtis has said, that it has been my experience that, when an Indian reservation has been opened in my State, men with an infinitesimal amount of Indian blood will immediately go back and want to be enrolled and participate in the division, when, for a generation or two generations, they have lived away from the Indians and have resented being called an Indian, and are only attracted by the money that is to be divided.

Senator CURTIS. But the act of 1887 says that the Indians should do that very thing, and you even went so far as to say: "We will give you 160 acres of land if you will leave the reservation."

Commissioner LEUPP. The general policy, as I understand the act of 1887, contemplated—and I have been following that idea in a good many cases, one of which I think Senator Clapp will remember, as it arose on the White Earth Reservation—that the door shall never be shut in the face of an Indian who has once been on the roll, but has done what we are trying to get him to do, and has gone out, of his own initiative, to build up a place for himself in the world. The door always swings open to such a man when he wants to come back. I have always thought it was a wrong thing to encourage the Indian to go out in that way, and then cut him off from the privileges which belong to him if in his old age or his poverty he wishes to return.

Senator CURTIS. I think that is a good rule.

Commissioner LEUPP. That is exactly the spirit in which I have tried to carry out everything I have done, and I have even gone so far as to reverse the rulings of my predecessors—which is always a disagreeable thing to do—on some of those very points.

Senator DIXON. Further recurring to Senator Curtis's suggestion that possibly this reservation could not be opened until the lands embraced within the former opening have all been disposed of, I would ask you, Mr. Commissioner, if it does not take, in the experience of the Indian Office, from four to five years to get a reservation ready to open after the act opening the reservation has passed Congress?

Commissioner LEUPP. I should say, roughly speaking, that that is true.

Senator DIXON. And I would ask if it is not true that the bill provides that the land shall be appraised as to value by a commission appointed, part of which are Indians and part of which are whites?

Commissioner LEUPP. Yes, sir.

Senator CURTIS. I think the commission would last just as long if there were no Indians on it.

Senator DIXON. This bill provides that the commission must complete its appraisement within either nine months or a year.

Senator SUTHERLAND. I was going to ask whether the commission received an annual salary.

Senator DIXON. No, they receive a per diem, but they must complete it in that time. In the case of the Flathead Reservation the act was passed in April, 1904, yet the lands are not yet half appraised and that reservation can not possibly be opened until the spring of 1909, five years after the act of Congress was passed. And in this case, if the bill were to pass at this session of Congress, four years would be the earliest time you can get that reservation ready for opening, and by that time the last of the ceded strip will have all been sold.

Commissioner LEUPP. I would like to make this one suggestion to follow Senator Dixon's remarks. I believe that the best way of appraising land on an Indian reservation which is to be opened is to let it appraise itself; that is to say, to fix a certain period—we will call it six months or one year—within which any land that anyone wishes to enter can be bought for such-and-such a definite sum, that amount to be fixed by whomever the Indians or the Government may choose for an appraiser, and that to be the only appraisal about it. For example, after looking over the reservation, simply let the appraiser say: "These lands will be sold for $5 an acre for the first

year; after that, for another year, any land taken up will be charged at $4 an acre; and the next year the price will fall to $3, or $2.50, as the case may be. I believe in that way the land would appraise itself. The settlers going out there first would be hunting for the best land and would be willing to pay the best prices, and as time passed the Indians would get a much better income, I am sure, from their land.

Senator DIXON. In the opening of the other Crow strip the President was authorized to fix $4 an acre, and that price should stand until he should by proclamation reduce it. As a matter of fact, it has gone on a year now, and I think the sliding scale should be lowered. I am not averse to that kind of appraisement.

Commissioner LEUPP. You get rid of a great deal of expense and save a good deal of time.

Senator DIXON. The only thing is that when an Indian reservation is opened wonderful stories of the rich fertile land, which exist in the mind's eye of the mob, lead them to rush in and make excessive bids, which they never carry out, but fall down in. That is the danger about it. It is theoretically the best plan, however, and I am not averse to it in this case.

The CHAIRMAN. Is there anything further that you desire to say, Mr. Commissioner?

Senator CURTIS. I would like to ask one question, going back to the issue in this matter. The Government has had some experience on the Crow Reservation with what is known as the tribal herd of cattle. It was a failure, was it not?

Commissioner LEUPP. I could not answer as to that.

The CHAIRMAN. Do you know whether the Crows have at any time within the last few years asked for something substantially along the line of this proposed legislation?

Commissioner LEUPP. Do you mean the horse-breeding bill?

The CHAIRMAN. Yes.

Commissioner LEUPP. I do not think so. I will say this, that all the information I have with regard to their disposition toward this bill, outside of the talk which I think Major McLaughlin had with them, was obtained from Mr. Curtis, the photographer, who came to me to find out something about it. He said that the Crow Indians were talking to him about this bill, and he wanted to know what its provisions were; that the more intelligent ones who talked with him seemed very much in favor of it, but as he was not familiar with its provisions he wanted some one to give him the information. He had been living there for some time and enjoyed the confidence of those Indians.

The CHAIRMAN. There is one thing, Mr. Commissioner, that I think perhaps is not quite clear in the record, with respect to dealing with Indians off the reservation. As I understand the policy of your Office—and it is based very largely upon my experience with your Office in my own State—you have been most liberal in the policy of allowing Indians on the reservation to go off the reservation to seek employment and still retain their rights there; but when the opening of a reservation has aroused interest in people who have a trace of Indian blood that has lain dormant for a great many years, you are rather disposed to let the Indians say as to whether they shall come in and participate.

Commissioner LEUPP. That is it, exactly; yes, sir.

The CHAIRMAN. That is my experience in dealing with your Office in my State.

Senator DIXON. If he is a real Indian, the Office has no objection?

Commissioner LEUPP. No objection in the world, but it seems to me his own people are the best judges.

Senator DIXON. It is the white Indians that the Office is a little averse to?

Commissioner LEUPP. I am on the lookout with a shotgun for them all the time.

The CHAIRMAN. Mrs. Grey, have you any questions that you desire to ask Commissioner Leupp; if so, they may be regarded as the questions of the committee.

Mrs. GREY. Will you state whether Mr. Holdredge, Mr. Hardin, and Mr. Gillette, who you say were on the reservation, are connected with, or interested in, the Lincoln Townsite Company.

Commissioner LEUPP. I have not the remotest idea about that, because I never heard of the Lincoln Townsite Company until this matter came up.

Mrs. GREY. Are they not the men of large means, to whom you referred in your report to the Commissioner on the beet-sugar business?

Commissioner LEUPP. I do not know whether they are or not. Mr. Hardin was my authority for the statement that he had so much capital which was pledged, and I judge from the way the other gentlemen spoke—that is, Mr. Gillette and Mr. Holdredge—that they were interested in some way in this project. That is all I know, and I do not know what their worldly circumstances are, or anything further than I have stated.

Secretary GARFIELD. Mr. Chairman, I find, upon further search of the files of my office, that there is no letter that I sent to Big Medicine.

Mrs. GREY. Big Medicine says: "I wrote this letter at the request of Mr. Dalby."

Secretary GARFIELD. There is no other letter that I wrote to Big Medicine other than the one I have referred to.

Senator DIXON. I think Secretary Garfield made some mention of Captain Lee making some report to him on this bill.

Secretary GARFIELD. That was the one in which this matter of the horse-breeding farm was referred to. Mr. Leupp has covered that matter fully. He communicated with certain army officers, and Captain Lee, who is one of the cavalry officers, appeared before me and discussed the project with me in detail. He is one of the officers who has given particular attention to cavalry mounts, and his general impression regarding this proposed experiment was that it was a very admirable one to try. His opinion was that of course a comparatively few horses from any one herd could be guaranteed as being good cavalry horses; but, if they were properly bred in the first instance by the careful selection of mares and stallions, that there would be a very great probability of increasing the percentage that could be used for cavalry horses from any particular herd; and that from his knowledge of conditions of the service, of the character of the land, and what he had heard about the Crows as horsemen, he believed it would be a very excellent experiment to try. And I, per-

sonally, from certain investigations that I had made in this connection, believe it would be a wise thing to attempt an experiment of this kind.

Senator DIXON. Your idea, Mr. Commissioner, in regard to a horse-breeding farm was to give employment to the Indian during his transition period—between the time that his land is allotted and the time when he becomes, in the course of years, fully equipped to make his living as a citizen. This is the great horse-breeding country of the United States, is it not?

Commissioner LEUPP. It has been so represented to me.

Senator CURTIS. Except Kansas.

Commissioner LEUPP. I thought Kansas was more a cattle country. Major Walcott said in all his examinations of the land in any part of the United States he never found any equal to this Crow country; and Mr. Borden, a raiser of Arab horses, and the leading authority in the country on that subject, agreed with him.

Senator DIXON. Major Walcott is superintendent of the Omaha stock yards, is he not?

Commissioner LEUPP. I do not know; I simply know him as an expert on horses, coming to me introduced by the President.

Senator DIXON. I understand he is superintendent of the Omaha stock yards and has had full opportunity of judging stock.

Senator SUTHERLAND. Have the Crows been engaged in horse raising in the past?

Commissioner LEUPP. They have raised horses for general purposes there, but they have been of all kinds. You know what Indian horses are, even when they have a pretty good stallion; they are a sort of hit or miss. I think they raise some that are good. Some of them that I have seen on the reservation struck me as being pretty good riding horses and wagon horses.

Senator SUTHERLAND. Have they made, ar far as you know, on their own part, an improved breed?

Commissioner LEUPP. I think not, except in a general way, where they have embraced the opportunity to use good stallions.

Mr. SNIFFEN. Mr. Chairman, with permission of the committee, I would like to ask, by way of information, if the Commissioner has been able to form any idea as to how many of the Indians, if this horse-breeding proposition is inaugurated, would be employed by it?

Commissioner LEUPP. That, of course, is a matter which we could not be positive about until the experiment was tried; but as long as the purpose was to give the young Indians the first preference for employment, I assume that it would take all that were needed for the horse raising.

Mr. SNIFFEN. Of course you have only so many horses that could be looked after by one man?

Commissioner LEUPP. Yes.

Mr. SNIFFEN. I did not know but that you had worked it out to some extent so that you would know how many it would give employment to.

Commissioner LEUPP. No; I have not done that. We wanted to get the permissive legislation before going into that.

Commissioner Leupp was thereupon excused.

STATEMENT OF Z. LEWIS DALBY.

Z. LEWIS DALBY, having been first duly sworn, testified as follows:

The CHAIRMAN. What is your name?

Mr. DALBY. Z. Lewis Dalby.

The CHAIRMAN. What is your age?

Mr. DALBY. Thirty-seven.

The CHAIRMAN. What is your residence?

Mr. DALBY. My legal residence is Virginia.

The CHAIRMAN. What is your occupation?

Mr. DALBY. Indian inspector.

The CHAIRMAN. How long have you been in that occupation?

Mr. DALBY. Since the 1st of May, 1907.

The CHAIRMAN. Were you in the employment of the Government prior to that time?

Mr. DALBY. I was.

The CHAIRMAN. For how long?

Mr. DALBY. I entered the service first in December, 1894.

The CHAIRMAN. Have you been continuously in the service?

Mr. DALBY. I was first with the Civil Service Commission, then with the Post-Office Department, then went back with the Civil Service Commission, then I was in the Army, and then I was with the Civil Service Commission again, and from there to the Bureau of Corporations, and from the Bureau of Corporations I entered the service of the Interior Department.

The CHAIRMAN. You visited the Crow Reservation, in Montana, in 1907, did you?

Mr. DALBY. Yes, sir.

The CHAIRMAN. Now, you may proceed, perhaps, in your own way and state what took place while you were there and more especially with reference to the complaints which had been made by Mrs. Grey, of which you were cognizant, were you not?

Mr. DALBY. Yes, sir. The facts developed in my investigation, as well as the methods of conducting it, have been fully stated in my report, which I understand is in the record. Do I understand that you wish me to go fully into that matter?

Senator DIXON. Has Mr. Dalby's report been incorporated as a part of these hearings?

The CHAIRMAN. Yes. You must be familiar with the general trend of this examination as to your conduct there with reference to the officers of the Indian Rights Association, with reference to Mrs. Grey, and the proceedings before the grand jury. Do you desire to make any statement concerning those matters?

Mr. DALBY. That is precisely what I wish to learn, Mr. Chairman. As a matter of fact, I have just reached the city this morning and have not had an opportunity to read what has transpired here, so I really do not know what has been presented to this committee, and I could perhaps more intelligently answer questions than anticipate what has been presented.

The CHAIRMAN. Then you may state in regard to your interview with Mr. Brosius and what took place at that interview.

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Senator DIXON. I think he would get at it better if he would start in and state when he got there.

The CHAIRMAN. I suggested that to him, but he prefers to have questions asked, as I understand.

Mr. DALBY. I am perfectly willing to proceed in either way, only I have already gone into the full situation, and I did not know whether you would want that repeated in the record. I will be very glad to take it up from the beginning, but my report covers that, and in fact the interview with Mr. Brosius has already been covered in the record by the secretary this morning, but I will take it up from the beginning or at any other point that you desire, or answer any specific questions that you desire to ask.

The CHAIRMAN. I might state generally to you that it is contended here that these people did not have a fair opportunity to make an investigation on the reservation; that Mrs. Grey was interfered with in her effort to assist in an investigation; that you interfered with her there. Now, you may either take the matter up and make such statement as you desire to make or we will ask questions of you.

Mr. DALBY. I will answer on that point, Mr. Chairman, if I may.

I first met Mrs. Grey in the St. James Hotel in this city in last April; I think it was the 19th of April. The Secretary sent for me that morning and handed me what has been submitted to you as an exhibit, Mrs. Grey's story, and requested me to go through it and find out where Mrs. Grey was, from Mr. Curtis, and talk with her with a view of taking up that matter as soon as possible. I ran through her story as quickly as I could; I think I put a couple of hours on it; then I found out through Mr. Curtis that Mrs. Grey was at the St. James Hotel, and I called upon her there. I talked with her for I think, two hours, and questioned her about various matters that were alluded to in her story, particularly endeavoring to find out what interest she had in the matter or what motive she might have for taking the matter up. The impression that she made upon me was that her motive was purely one of philanthropy; that she had happened to be upon the Crow Reservation, and that she had found these iniquitous conditions existing; and, as she expressed it, she could not get away from them; she had to take them up, and that the Indians had wished her to present their case, and for that reason she had come to Washington and had seen the President, and had gone over with him what was afterwards incorporated in this story.

At that time I told her I wanted to determine whether there was any immediate necessity for my going to Montana, as I had told the Secretary I could not take up this work before the 1st of May, being then engaged on work in the Bureau of Corporations which could not be well laid down without notice, and it seemed to me, from reading her stories, there were two points only that might call for haste; one was the matter of the sheep of Mr. Bair, and the other was the matter of the sale of dead allotments which she alleged the Lincoln Townsite Company was to purchase. She said that the sheep were already moving off the reservation. So on that point I said it would be impossible for me to go there before the sheep would be entirely removed, and consequently it would be necessary for me to go into that matter on evidence afterwards, rather than by inspection of the bands upon the ground, and therefore no haste would benefit the Indians there; and as to the land sale I said I would look into the matter and see whether the rights of the Indians would be prejudiced by permitting the matter to go on and the sale to be completed subject to

review afterwards. Mrs. Grey was anxious for me to go to Montana at once, but after going into the matter in the way that I have stated, I told her that I did not think I should go before the 1st of May. I was then employed in the Bureau of Corporations; I was not in the Interior Department. After seeing Mrs. Grey I did inquire into the status of this land and found that the Secretary had absolute power to disapprove any sale for any reason whatever. Therefore I determined that the rights of the Indians could not be prejudiced by the sale going on and an examination being made afterwards. So I determined to wait until I could comfortably get through my work in the Bureau of Corporations and then equip myself with the necessary information with regard to the matters in the Indian Office before going to Montana.

About the middle of May a telegram was received by the Indian Office from the agent stating that Mrs. Grey had returned to the reservation and had created some manner of disturbance there, and that he had found it necessary to arrest her. That message I think was received about noon on Saturday. It was brought to my attention, and the Secretary desired me to go immediately to Montana. I talked with him briefly on the subject and told him that I did not understand that Mrs. Grey was to go before I went to the reservation; that apparently she had been indiscreet in some way, and that she had gotten into trouble and consequently, the agent having demanded an investigation, probably I should now go to see him first, rather than Mrs. Grey; and he assented, that that would probably be the best course. I left that afternoon, and on the way out I reflected upon the peculiar nature of the charges that Mrs. Grey had made, and I determined that if there was any truth in her charges it was really important that I should see her first, rather than see the agent first, and so I took the responsibility of changing the plan that I had made with the Secretary, and I did go to see Mrs. Grey first. I telegraphed her from Lincoln. I assumed that she was in Sheridan from what she told me when I met her here, and I received her reply that she was in Sheridan and would be glad to see me there, so I stopped off at Sheridan on the way to the reservation. I spent the better part of the day in conference with Mrs. Grey. I was there exactly twenty-four hours.

Senator DIXON. Sheridan is from 75 to 100 miles this side of the reservation?

Mr. DALBY. Yes, sir. In that conference it was agreed that Mrs. Grey should come to the reservation a few days subsequently, and that she should have the opportunity of seeing any Indians that she wished to see and to bring forward any evidence that she wished to bring forward, or could bring forward, which would substantiate the charges that she had made. She wished to go at once with me, but I declined to permit this on the ground that I had first to make some examination into the surface situation, the matters in the office, and the office records; that I could do that better before she came; on the further ground that I did not intend to supersede the authority of the agent unless it became necessary, and I did not intend to have any color given to any claim that might be made that I had come there as her advocate to put her in authority. For that reason I said, "Mrs. Grey, you must wait for a few days, and I will let you know." I think it was determined then that she should come

the following Saturday. I am not perfectly sure whether the day was then fixed, but the general principle was that she should wait a few days and then come. I went that night to Crow Agency, and the next morning I met the agent. My first proceeding was to ask for all the papers in regard to the land sale. I examined the papers that were presented to make sure that they were apparently complete, but not to determine whether they were in correct form. I sealed them up; I tied them in a package and sealed them myself and put them in the safe and directed that no further action be taken in regard to any of those matters until I had had an opportunity to examine into the situation thoroughly.

I then proceeded into a general examination of the matters in the office and was engaged upon that when a telegram was handed me by the telegraph operator. He said, "Here is a telegram that has come collect; if you do not want to receive it, I will send it back." I said, "No; I will receive it and pay for it." It was a telegram from Mrs. Grey, which, I think, will be found in the record; it was to the effect that unless I telegraphed her permission to come to the Agency that night she would release her story to the press, and that she was then telegraphing the President. I did not deem it wise to grant Mrs. Grey's request, nor did I deem it wise to disregard the matter entirely. So I got on the train and went to Sheridan. Mrs. Grey was in conference with a man named Tom Doyle at the time, and she introduced Doyle to me and had him tell me his story. I told her that I had only a little while; that I was going back on the next train and that I had come to see her in regard to her telegram, but she insisted that I talk with Doyle. Doyle himself was inclined to withhold his story until he could come to the Agency and face the agent. I said, "That is the way I like to hear you talk, because that is what I want you to do." He consented to tell me his story, but he never afterwards appeared before me at the agency. I then took up the matter.

Senator DIXON. Who was Doyle, some newspaper man?

Mr. DALBY. He is a squaw man who had been about a year prior to that put in the penitentiary for having whisky on the reservation, and his complaint was in regard to his treatment in that connection. I discussed with Mrs. Grey her reasons for sending the telegram, and I endeavored to find out why she had changed since the night before and now demanded that she should come at once. I did not get any satisfactory reason from her.

My efforts from the beginning had been to get Mrs. Grey to reduce her story to a form of charges, something susceptible of investigation and accurate determination, but the only basis I had was what is before you in that exhibit. She never further reduced it to specification.

That evening she assumed an attitude which was rather contradictory of her previous attitude, and I was inclined for the first time to question her good faith; I was tempted then to disregard Mrs. Grey and get along without her in the investigation. In fact, she said she would not proceed with the investigation, but I urged her; I persuaded her to continue on the plan that we had agreed upon the day before, but I would not change that plan. She finally agreed that she would come on Saturday. I returned to the agency, and on Friday afternoon—I think it was Friday afternoon—I received a note from Mrs. Grey stating that she was at the agency at Frank

Shane's tepee and would be glad to see me. I went over, and in the tent there were Mrs. Grey, Joe Cooper, Alexander Upshaw, Frank Shane, Red Wolf, and several others. I would not undertake to name them all. Mrs. Grey introduced me to them, and spoke of her having been in Washington and having secured from the Secretary an investigation, and brought it about that I should be sent to make that investigation, and she said generally that she wished them to speak to me with frankness; that they could trust me as they could trust her, and to tell me the truth. They evidently wanted some expression from me, so I made them a little speech. I told them I had come there for the purpose of finding out about these matters that Mrs. Grey had alleged; that I had not come on behalf of the agent or on behalf of Mrs. Grey, but merely to find out the truth for the benefit of the Indians; and I reminded them that nothing but the truth could really do them any good, because action based upon what was not true would be as likely to injure them as to benefit them, and therefore it would not be in their interest to endeavor to deceive me in any way, and I did not expect them to try, and I warned them if they tried they would not be able to succeed, because I told them I would not take any man's word in regard to a matter in which he was interested without also examining others, and that thus I expected to find out the truth, no matter what they told me. They were very much pleased apparently with the statement I made, and in fact applauded it rather vociferously; and Mrs. Grey concurred at that time in the sentiment. On the way over to the station it was raining, and I happened to have an umbrella and Mrs. Grey accompanied me. She said that she would rather go to Lodgegrass for her work among the Indians—in fact, she had said that when I went to see her at Sheridan, and I agreed to that, that she should have her headquarters at Lodgegrass instead of at the agency. So she was going to the station for the purpose of taking the train to go up to Lodgegrass. On the way over she complained that she did not like to have the investigation made at the agency, and she would like to have it made at Lodgegrass. So I smiled and said I thought we would carry out the plan that had already been made, and let it go at that. I think it was on Monday that I received a letter—no, I beg your pardon. I had forgotten one thing.

The next day I wrote to Mrs. Grey in order to make it a matter of record, reciting the plans that we had made at the agency and saying that I would like for her to have her witnesses together in order to proceed with the investigation as soon as possible; that I would like to begin taking testimony by the following Wednesday or Thursday, I think I said. I received from Mrs. Grey the next day a letter which had evidently been written before she received mine, in which she referred to some ceremonial dances at the mission, that she had determined to attend, and in which she invited me to accompany her, offering to introduce me to the several Indians, or she suggested if I thought better, I might go alone and meet them independently. I replied to this letter, in which I think I referred to my former letter to her, and told her that I had not come to witness dances; that while I would be glad to see the Indian dances incidentally, I could not spend my time for that purpose, and for that reason would not go to the mission, and reminded her that I had not given her permission to go anywhere on the reservation but to Lodgegrass, and there only for

the purpose of consulting with the Indians in order to find out the witnesses who could testify to the facts that she had alleged. In reply to that I received a letter from Mrs. Grey in which she took me to task rather roundly for having gone back on the agreement which she alleged I had made to conduct my investigation in Lodgegrass. I think I replied to that, stating that I had made no such agreement and that the understanding as had and as stated in my previous letter would be carried out.

There were a number of rumors as to disturbed conditions at Lodgegrass. It was stated that the Indians were gathering in large numbers, and that they were neglecting their work entirely, and that the excitement was growing to such a pitch that some people thought there was danger of trouble.

The CHAIRMAN. How far is Lodgegrass from the agency?

Mr. DALBY. I think it is 18 or 20 miles. And that reminds me of something that I had forgotten to state just now. When I was talking with her in Sheridan the evening that I went back to see her, and when I agreed to let her go to Lodgegrass instead of to the agency, I made that agreement with this condition, that she would exercise her best endeavors to prevent an unnecessary congregation of the Indians at Lodgegrass or the raising of such conditions that it might be difficult to control. She promised this and I exacted the further promise that if such conditions did arise she would follow my judgment and would leave Lodgegrass and come to the agency. You see, of course, my motive in that. I was taking what apparently was a considerable risk, and what subsequently turned out to be a considerable risk, but I required Mrs. Grey to promise in advance that if when I went to Lodgegrass I found that the conditions were such that in my judgment it was better for her to be at the agency than at Lodgegrass then she would go to the agency and leave Lodgegrass.

To resume where I was just now. I think it was Wednesday about midnight when the agent came to the hotel and aroused me. He showed me a letter from Burbank, the farmer at Lodgegrass, stating that Mrs. Grey was holding all-night meetings with the Indians; that they were in a great state of excitement and nobody knew what was going to happen, and he thought Reynolds had better come and bring all the Indians that he could depend on. I said at once, "That is folly; you can not go there, and you can not take any Indians there, but I have already intimated to Mrs. Grey in one of my letters that I will go there to-morrow, so they will be expecting me. Instead of going on the afternoon train as I had planned I will drive over in the morning." So I made inquiries as to who would be the best man to go with me as interpreter and driver. After considering a number—Frank Shively was one—I concluded that Carl Leider would be the best man for me to take. So we started out early the next morning and reached Lodgegrass about noon. I had dinner at the farmer's and went immediately out to Frank Gordon's. I met Joe Cooper at the door and asked him to tell Mrs. Grey that I had come, and after a while Mrs. Grey appeared and the Indians who had but recently dispersed to their camps were brought in.

Mrs. Grey met me out in the yard first, and her first remark was that she regarded me as their enemy, not as their friend, and that she would not shake hands with me, and she did not introduce me

to the Indians. I, however, made myself acquainted with the Indians and chatted pleasantly with all of them from time to time. Her next remark, I think, was that I had brought a man there who had charges against him; that he was really a spy, referring to Carl Leider. I said no; I had brought him there as interpreter and to take care of the team. She objected to him. So I said, "Well, I will accept your interpreter," and I sent Carl Leider away. She said she wanted him sent back to the village. I said, "No; he has to take care of the team, but I will send him entirely out of hearing and you can put a guard over him, if you wish." That I understood was done. She then objected to a number of people that sauntered up from the village, saying that they had come as spies. Incidentally I may state that as I came up from the village I was told that Mrs. Grey had telegraphed for a reporter in Sheridan, and others asked me if they might also come. I said I had nothing to do with it; it was the Indians' meeting, and if they wanted to let them in they could. So there were several people who had come over, I suppose, on that excuse.

Senator DIXON. Newspaper men?

Mr. DALBY. No.

Senator DIXON. You said reporters.

Mr. DALBY. Well, I heard that Mrs. Grey had telegraphed for a reporter and that was the reason those people asked me if there would be any objection to their coming.

Senator SUTHERLAND. Do you mean a newspaper reporter or a stenographer?

Mr. DALBY. A newspaper reporter. Mrs. Grey wanted all those people sent away, and those people I sent back to the village, so that there was remaining for the conference with the Indians only Carl Leider, whom I had sent out of hearing and authorized them to put the guard over, and myself. I then went into the house. I think there were about sixty Indians present, the Crow Indian lodge members, who were for the most part Mrs. Grey's followers.

As soon as I was seated—Mrs. Grey and I sat side by side at the end of the room and Plenty Coos sat in a seat of honor near us, and there were others arranged in Indian fashion according to their precedence.

My first inquiry after the ordinary salutation, and the little speech I made to them, which was really a repetition of what I had said down at Frank Shane's tent, was as to the charges, the specifications and the witnesses in regard to which Mrs. Grey was supposed to have been working. Mrs. Grey replied that they had not gotten them ready; in fact, they had not begun upon them yet. I expressed astonishment that this should be the case as she had been there several days and had come there for that sole purpose, of reducing the matter to specifications, and of finding the witnesses to testify in regard to the several specifications and charges. Then I asked how soon they could get those charges and specifications ready so that we could begin with the investigation. There was some disposition to ask for a week or two. My impression is that Mrs. Grey wanted two weeks more to go into that matter before she would be ready to present her evidence. I said that I could not give any such extension as that. Finally it was agreed that they should have the balance of the week and that we should begin on Monday morning;

they should come to the Crow Agency on Sunday so as to begin at a timely hour on Monday. I said to the Indians that I would make an agreement with them but not with Mrs. Grey, because Mrs. Grey had failed to carry out the previous agreement and that I would hold them to this one. There was a good deal of discussion as to the method of procedure in that investigation. They wished Mrs. Grey to represent them and I said that I had already agreed that she should represent them and that I would not withdraw that promise: that she might. It was then desired that they have representatives of their headman present, and I agreed that they should have Plenty Coos present, and then he wanted to have some one else with him and I agreed to let them have Spotted Rabbit with him. They then wanted some more, but I said, "That is the limit; two will be enough; it will be a small room and we will be crowded. Two will be enough." As to interpreters, they wanted to have their own interpreter. I said, "All right; I will accept your interpreter, but the agent will have the right to have an interpreter also; if those two interpreters disagree and can not determine upon the correct interpretation of what any witness states, I will call a third interpreter and among the three I will determine whether the interpretation has been correct before I will permit it to be recorded." It was also agreed that there should be a stenographer present and that all the testimony should be taken down.

This, I believe, is the substance of everything essential that was agreed upon on that evening. During the progress of the conference Mrs. Grey repeatedly made statements which I knew were untrue and which I was very certain that Mrs. Grey knew were untrue. I was a little astonished at this, and I from time to time took notes of what she said. Toward midnight, it was a long conference——

Mrs. GREY. It was sixteen hours and we expected them to be ready to go on with the hearing in the morning again.

Mr. DALBY. That was not the precise length of the conference, but it is not necessary to contradict.

Mrs. GREY. It was sixteen hours by the clock in Gordon's kitchen.

Mr. DALBY. I found that Mrs. Grey stated what apparently she thought served her purpose at the moment, regardless of the facts. I took notes of those statements of hers from time to time, and about midnight I concluded that Mrs. Grey was absolutely without good faith in her proceedings; that she did not wish an investigation of the real facts upon the Crow Reservation for the benefit of the Crow Indians, but that she had some ulterior motive that I did not know and do not know. When I had satisfied myself that this was the situation, and had taken sufficient notes to be able to put one statement over against another, and to explain the matter to the Indians, I did so. I said, "Now, I let Mrs. Grey come here because in your interest I want to find out the exact facts; I want to find out the truth about the situation on this reservation, and I believed that Mrs. Grey would help me to do it, because I believed she was sincerely working in your interests, but I have discovered this evening that Mrs. Grey is not working in your interests. What she is working for I do not know, and I do not presume to say, but she has said this and she has said that," and I recited those things and pointed out where the inconsistency was. I said, "Now, you can see that she must *know* when she says this, after saying that, that one or the other *is not true, and yet* she asserts them both and says they are true."

I will not undertake to go into the details because I do not remember them now, but that was the situation. I said, "Now, I advise you to withdraw your case from Mrs. Grey because she is, as I tell you, not working for your interests. I will not withdraw the permission that I gave to begin with, that she may represent you if you wish; I have given you that promise and it is good, but I advise you as a friend to withdraw your case from her for this reason." Of course Mrs. Grey protested. I made no further remarks upon that subject, leaving the matter with the Indians, and I left that meeting, I think it was 4 o'clock in the morning and drove back to the agency that morning. That was Friday, I think.

Mrs. GREY. It was Friday.

Mr. DALBY. Then the next day, Saturday, I received a telegram signed by Plenty Coos, Alexander Upshaw, and Joe Cooper, requesting me to come to Lodgegrass at once. I had just time to catch the train. I went to Lodgegrass. The Indians were having a meeting in a tent up the creek—I do not know whose it was, but I believe it was Bread's tent; I am not sure—and they invited me in and gave me a seat of honor at the head of the tent. They had a box over which they had spread rugs and invited me to sit down. They addressed me, reminding me of the advice I had given them at Gordon's place two nights before and stated that they had concluded to act upon that advice, but first they wished me to assure them that Mrs. Grey would not be injured. I very much admired the manly way which they stood by Mrs. Grey in this matter, and I told them so. I said "Mrs. Grey may certainly go at your request, in peace." They said, "Then we would like to have Mrs. Grey not be arrested after she leaves the reservation." To that I replied, "I have told you from the beginning that I am here to find out who has done you wrong. If in my investigation I find that Mrs. Grey has violated the law and has wronged you, I shall take action against Mrs. Grey as against anybody else, but as to that I do not know now because I have not made an investigation and I do not know whether she has broken the law or has wronged you, but if I find out that she has, then I shall certainly take action against her." This seemed to satisfy them, for they made no further request. They then said, "You promised that if we dismissed Mrs. Grey you would come here and help us formulate our charges." I said, "I made that offer two nights ago and I did not say that you might have time to consider it, so I am not bound by that, but I will abide by that proposition and if you dismiss Mrs. Grey now I will work with you and will formulate your charges, and will myself assume the responsibility for them after I have talked with you, and I will then investigate the charges."

So it was agreed. They said that they had determined to dismiss Mrs. Grey, and I said, "Well, I will leave that entirely with you; you must see that she leaves the reservation promptly." And I prepared a statement which I left with the interpreter, Alexander Upshaw, that it was agreed by the Indians that Mrs. Grey should leave, and it was agreed on my part that she should leave without any molestation, and if she thought she needed an escort to the border of the reservation, to prevent any insult——

Mrs. GREY. I was never afraid of insult from those Indians in my life. That is absurd.

The CHAIRMAN. Mrs. Grey, you must not interrupt. You will have an opportunity to reply to Mr. Dalby.

Mr. DALBY.—which she frequently stated she was afraid of; that I would afford her an escort to the border of the reservation, but if she wished to go she might go freely and unaccompanied, but that she must leave the following day, Sunday. After having disposed of this matter I proceeded immediately to formulate charges. I said, "Well, bring out your charges now and let us find out what progress you have made to formulate the balance." I then found out that no further progress had been made; Mrs. Grey had taken no further steps to get further specifications or to find out further witnesses; and that the Indians realizing that I was looking to them and holding them responsible for the plans, had endeavored to force her to go further into the matter; that as a result of this they had determined that it would be necessary to get rid of Mrs. Grey. They said, "We will have to disregard this entirely; we can not make head or tail out of this story of Mrs. Grey's." I said, "All right, we will disregard that and begin. Now you may tell me your stories and let us have the important ones first." So they began. I merely questioned them for the purpose of bringing out everything that was in their minds in order to determine whether there was a basis for a charge. It is probably unnecessary to go into the details of those charges. We discussed several, and one by one the Indians themselves, from the statement which I brought out from them by questioning them, saw that there was no basis for a charge, and in succession abandoned the charges that they brought forward.

Thus we were proceeding when the question of Mr. Heinrich's cattle was brought up. I think it was Yellow Brow who made the statement. He said that on one occasion Mr. Heinrich's cattle had come outside his fence and had overrun the surrounding country, and he wanted to know what remedy there was for that. On that basis I proceeded to question Yellow Brow as to just what the facts were, and I questioned him as to the location, where the cattle had been seen, how many there were, and just when the occurrence arose. While I was questioning Yellow Brow, Joe Cooper spoke up—Joe, I think, was sitting to my left. He said, "Mr. Dalby, I know something about that." I said, "All right, Joe, tell me what you know," and Joe said, "Yes, they were away over on Soap Creek; they were over at my place." I said, "All right, Joe, when were they there?" "Well," he said, "some time last fall." I said, "Joe, how many were there?" He said, "Well, that is just what I would like to know." I said, "Well, Joe, have you any idea of how many there were?" He said, "No, I have no idea." I said, "Well, Joe, it seems to me that if it was my place and I saw the cattle overrunning the place I would have some idea of about how many cattle there were." Well, Joe did not know, and I asked him when it was, and he thought it was some time in the preceding fall. I said, "When were you on your place?" Well, he was there in September. I said, "I suppose it must have been along about September," and he assented and said it must have been along about then.

I have not got this matter exactly in the order in which it came. I asked about the time first and then about the number, and then I asked him the questions that I have recited, and I said, "Joe, it seems to me that if it was my place I would know; I would have some idea

about how many there were." Then he said, "I guess there must have been three or four hundred." I said, "Joe, God damn it, I believe you are lying to me, and you know it." Well, Joe protested and said, "Well, I do not believe I can talk to you, Mr. Dalby, if you talk to me in that way." I said, "All right, Joe, there is the door," and Joe got up and walked out. Immediately the whole bunch of Indians got up and walked out. I saw that I had made an unfortunate mistake, but fortunately for me, I saw it at once, and I acted immediately. I went out and told the Indians to come in—I did not beg them to come in; I commanded them to come in and they obeyed. I said, "Now sit down everyone of you in your place where you were before; I have something to say to you." I said—and at this time I had my language carefully interpreted—"I do not blame you a bit; I understand why you went out; you thought I was abusing one of your men, and you stood by him and that is all right, but you misunderstood. I made the mistake of talking to him in English because he talks English and I did not need an interpreter. He is practically a white man or might pass for a white man and understands white man's ways and I was talking with him just as I would to a white man, on the stand, and you did not understand. Now, I will explain to you just what occurred." Then I went over the occurrence and told them just what had led up to Joe's interruption, and just what Joe had said and just what I had said, and they saw how clear and direct was the inference, and they all believed that I was justified in thinking that Joe was lying, and the incident passed. Rides The White Hip Horse, a young camp Indian, then arose and asked why I said, "God damn."

Senator DIXON. He was not used to that kind of language?

Mr. DALBY. Perhaps. He said "The priests have told me that I should not use that word 'God damn.' Now, why do you use that in talking to us?" Well, he did it in a manly, straightforward way that I could not but admire. It was growing dark and I walked around in front of the stove so as to face him and to talk directly with him. I said in substance—I will not try to repeat my exact language—"I am glad you have called me down for that. What the priests have told you is good. The name 'God' is the name of our Father, it is the name of Him who makes our crops to grow, and from whom all our blessings come, and we should speak of Him only with reverence, and that is the reason why the priests have told you that you should not say 'God damn.' But among the white men there is some difference of usage. Some white men say 'God damn' when they want you to know that they are very positive that there is no doubt about what they are saying. I was talking to Joe as I would to a white man. I knew, or I thought I knew, Joe was familiar with the ways of white men, and that Joe would know exactly what I meant when I said that, and that was the reason I said it, not from any irreverence, but for the purpose of emphasis, which I was sure Joe would understand."

Senator DIXON. You were using Joe's vernacular, in other words?

Mr. DALBY. Precisely. That ended that incident, and White Hip Horse then wanted me to go and help him with his irrigation ditch the next day, which, by the way, was an irrigation ditch which Joe had built for him, and it did not reach the point it was intended to reach.

Senator CURTIS. Is that the one in which they claim the water runs up hill?

Mr. DALBY. No; the water runs too decidedly down hill, but it did not go far enough. So I went with him next morning and spent more than half a day with him. Packs The Hat went along in order to have the benefit of any sage advice which I might give. I told them I could not advise them with regard to the matter, because I was not an irrigation engineer, but I would do my best. I looked at the ditch and pointed out some very obvious defects in it, and finally I found that it would require an engineer in order to tell whether it would pass a certain point. Joe had gone on the assumption that by getting the water down to a certain swale, it would run through that, but I saw it would be too wide and it would be lost there, and I said, "I will send you an engineer to run this line for you." I told Burbank that he must go and see about that, and he did, and afterwards when I was over the reservation White Hip Horse was digging his ditch in another direction. I have understood that the water since runs in it, but I do not know as to that.

Returning from that expedition the next afternoon, which was Sunday, I went again to the tent to resume the hearing with the Indians in order to find out what their charges were, and what witnesses could testify to the charges. I had hardly gotten seated, and the meeting was about to begin, when Mrs. Grey came in. She wanted, first, I believe, to know what this was. I informed her, I think, that it was a meeting of the Indians to which they had invited me, and that I was engaged in helping them formulate their charges as the basis of my subsequent investigations, they having decided to dismiss her from the case. She wanted to know, if that was a meeting of the Crow Indian lodge, why Joe Cooper was not in the chair, and endeavored to incite Joe to assume the functions of chairman, but Joe was reluctant. She continued to make remarks and to question the various Indians on various subjects. I do not remember exactly what it was, but the general tendency was to interrupt the meeting entirely and to prevent any further business being transacted. So I said, after waiting a few minutes to see whether she would subside, "Mrs. Grey, this is a meeting of the Indians and I can not permit you to interrupt it. If you insist, I shall be forced to arrest you." She said, "You do not dare to arrest me, and you know it."

Well, I thought it was fair to Mrs. Grey to let her see what the Indians would do, so I said, "Now, you must have seen me here under several different situations for the past few days, and you have had a chance to size me up. If there is any Indian in this tent who thinks I am afraid to arrest Mrs. Grey, or to do anything else that is necessary to be done in this meeting, I would like to have him stand up." Of course it was simply stage play; if the Indians had thought I was quaking in my boots there was not one of them who would have gotten up; I knew that, but I thought it was best to let Mrs. Grey have the opportunity to think over that proposition, because she had said I was afraid, and for that reason would not arrest her. I said, "Mrs. Grey, I shall now send for a policeman, but you are still free to go and go in peace, if you will." I sent a messenger for Scolds The Bear—Scolds The Bear, I believe is here. When he came I beckoned him to come in. He does not speak English, so I addressed

him through the interpreter. I said, "Scolds The Bear, I have sent for you to arrest Mrs. Grey, but I do not want you to do it until I tell you." I then turned and spoke to Mrs. Grey again. I said, "Now, Mrs. Grey, if you will, you may still go in peace and unmolested; but go you must, and if you do not I will arrest you." She said, "I won't; and I defy you to arrest me." I turned to Scolds The Bear and said, "Scolds The Bear, arrest her." He did. She resisted arrest, struggling with all her force. There was only one man to touch Mrs. Grey—

Mrs. GREY. Two big policemen on either side; it is ridiculous.

Mr. DALBY—that was Scolds-The-Bear. She not only resisted arrest with all the physical effort of which she seemed to be capable, but she called upon various of the Indians by name: "Joe, have you no manhood? Will you allow him to treat me this way? Packs-The-Hat, will you permit that?" And she also called on somebody else; I have forgotten the man's name.

Mrs. GREY. Bright Wings?

Mr. DALBY. Bright Wings, and probably a half a dozen others; but fortunately for Mrs. Grey and me, and as well as, perhaps, for the Crow Indians, not one of those men made any move to assist Mrs. Grey or prevent her arrest. She was arrested and taken out of the tent, and I went with her myself to the village. I left Scolds-The-Bear in charge of Mrs. Grey with instructions to keep her but not to let her disturb other people and not to let other people disturb her. I found the most comfortable place I could and put her there. It was not a very good place, but it was the best there was there.

Mrs. GREY. Scolds-The-Bear did not leave me there, did he?

Mr. DALBY. I then went back to the meeting of the Indians. I said that I was sorry to be called away; that I had intended to go right ahead with the work of formulating the charges and carrying out the agreement which we had reached, but that it was necessary for me to be absent for a little while, perhaps a day or two, and that I would return and proceed with the work. Then Plenty Coos got up and said in substance: "Mrs. Grey came in; made a lot of fuss. Now we are all tired of this, and we think we would rather just drop the whole thing; we do not want any more trouble of this kind, and we think you had better go, as well as Mrs. Grey." To that I said: "I am here now, in a sense, as your guest; you invited me here; therefore when your invitation is withdrawn I shall leave; but for the purpose of making this investigation I am not answerable to you, but to the Secretary of the Interior. He sent me here to make an investigation because the integrity of the administration of this agency had been called into question. That investigation I shall make until I am satisfied whether the charges are true; whether there is anything wrong in the administration of this agency, and until I can fix the blame. If you do not want me to proceed in the way we have planned at your invitation, then I shall proceed when I get ready in my own way. I leave you this afternoon because you signify that you do not care to go ahead; but you Indians are here for the sole purpose of getting the charges and specifications and the names of the witnesses together. Having abandoned that work, there is no further excuse for any of you being here except the men living in this district, and within twenty-four hours every Indian from other parts of the reservation must be on his way home. When I get

through my investigation at the agency I shall come around to the different parts of the reservation and call you together in your homes and I will see probably most of you there."

So I left them and took Mrs. Grey to the agency and telegraphed the Secretary the message that he read this morning, and the next day, having received no reply to that message, I conducted Mrs. Grey off the reservation myself, taking with me as a witness the agent. I read to her, as we approached the boundary of the reservation, the several statutes that bore upon the subject, and handed her a copy of those statutes, together with a written prohibition signed by myself against her returning to the Crow Reservation.

That was the last time that Mrs. Grey was upon the Crow Reservation to my knowledge, with the one exception, and also with the exception of passing through on the train. She stayed in Parkman some time. She immediately endeavored to publish, or to secure to be published, stories in regard to the matters on the reservation. She did secure a publication of one or two chapters in the Sheridan Post, I think it was. I received a telegram from Mr. W. H. Huntley, to whom Mrs. Grey had introduced me in Sheridan when I first arrived there, saying—this telegram came from Parkman, Wyo., on the 4th of June, the day after Mrs. Grey had been expelled—in substance the telegram said "Cords of newspaper slush unloaded. Has faith been kept? Will you meet me at Sheridan?" That was the substance of the telegram. Mr. Huntley was an editor or a reporter for the Sheridan Post. I replied in substance that I had no interest in any newspaper slush he might refer to; that my official actions were open to inquiry of the Secretary of the Interior; that I had nothing to say on the subject; that my duty was in the Crow Agency and not in Sheridan.

Senator DIXON. Was this the newspaper that was sued for $10,000 libel?

Mr. DALBY. I understand that suit has been brought against that paper by Mr. Edwards.

Mrs. GREY. I will say that I did not have anything to do with that publication. I never wrote a thing for the Sheridan Post in my life. Mr. Huntley was on the ground and made his own statement, and I had nothing to do with it. Mr. Dalby met him and knows the circumstances under which he met him.

Mr. DALBY. After reporting to the Secretary upon the developments thus far, I arranged to make a thorough investigation in the several parts of the reservation. I left the agency, I think, on the 11th of June and went from there to Lodgegrass and from Lodgegrass up the Lodgegrass Creek by Frank Henry's camp, around through the Big Horn Mountains to the Big Horn head gate and back to the agency. From there I took a train and went around to Pryor and spent a couple of days at Pryor, and returned to the agency, I think, on the 23d or 24th of June. This investigation was much more hurried than I would have made it but for the one fact that the Secretary of the Interior was expected to be at Billings on the 26th of June. In my preliminary report I told him that as far as I had been able to form an impression of the agent, I believed that he was honest, that he had done good work, and that he ought to be sustained, but that I was to make this further investigation upon the ground, and when I was through I would then be able to say positively whether I believed that

he should be sustained or removed, and I told him I would see him at Billings on the 26th and give him personally my views on that point, and that was the reason for a little haste which I would not otherwise have made, but as it was I spent about two weeks in going over the reservation.

I do not know that it is necessary for me to outline the results obtained in that tour over the reservation, as they are fully set out in my report.

The CHAIRMAN. As your report is here it is hardly necessary to go over that perhaps, unless there is something in addition that you care to state.

Mr. DALBY. I think not. I will be very glad to answer any questions. I have not read the previous testimony and I do not know what points have been raised, but I shall be very glad to answer any questions upon any point that has been raised that may not be covered in my report.

The CHAIRMAN. Senator Dixon, do you desire to ask any questions?

Senator DIXON. I remember that Mrs. Grey made a charge about his riding through the cattle. What day was that?

Mrs. GREY. It is stated in his report.

Senator DIXON. How long were you in making this investigation?

Mr. DALBY. Do you mean the investigation going over the reservation?

Senator DIXON. Yes; the whole thing.

Mr. DALBY. I think I started from Crow Agency on the 11th of June and returned on the 23d. I am not dead sure about these dates, but it was about that length of time. Of course, that represents merely the time I spent in the field. I did a great deal of investigation at the agency and in short trips out from the agency, and the Indians would come to see me at the agency, and no Indian ever came to see me whom I did not see.

Senator DIXON. What was the result of your investigation as to the charges which Mrs. Grey had made, and which you went there to investigate?

Mr. DALBY. Mrs. Grey's charges had been entirely abandoned by the Indians, and were not, properly speaking, the basis of my investigation; but in view of the fact that they had been given publicity before the President and before the Department, and as Mrs. Grey expected to give them further publicity in the press, I deemed it wise to cover all the points that she had covered in her story, and in addition I went into every question that was raised by any Indian. The general result of it, I may say, was that so far as the general impugning of the integrity of the administration was concerned, it was absolutely without foundation or excuse.

Senator DIXON. That is, Mrs. Grey's charges, the ones she made to the Secretary here?

MR. DALBY. Yes, sir.

Senator. DIXON. In what condition did you find the reservation relative to the situation of the Indians there—good, bad, or indifferent?

Mr. DALBY. I may state here that I was at that time entirely unfamiliar with Indian reservations. I was never on any Indian reservation until I went to the Crow Reservation, so I had no basis of comparison. I have since been to some others—one or two—and in

looking back I have a better basis of comparison than I had then. I may say that in view of this subsequent experience I think that the conditions upon the Crow Reservation were a fair average. They are better on some reservations from this point of view: the Crows are rather indolent. There are other Indians who are more industrious than the Crows, and from that point of view there are some other reservations that will show better conditions than the Crow Reservation. So far as the treatment of the Indians is concerned, I do not think I can make any criticism of the reservation as to injustice.

The CHAIRMAN. Did you go to the school?

Mr. DALBY. Yes, sir.

The CHAIRMAN. Did you see the pupils there?

Mr. DALBY. Yes, sir.

The CHAIRMAN. What did you observe with reference to their physical condition?

Mr. DALBY. There is among the Crows a great deal of venereal disease, and this shows in the case of some of the children.

The CHAIRMAN. What did you observe there with reference to protecting them from the effects of contagion and the facilities for washing, and general facilities?

Mr. DALBY. The bathing facilities at the Crow Agency school were shamefully inadequate. I recommended in my report that they be improved, and I understand that authority has been given on that point.

The CHAIRMAN. Well, as to the general daily washing of the children—their faces?

Mr. DALBY. I did not inspect that.

The CHAIRMAN. Or as to whether they were kept separate; whether there was any effort made to prevent contagion in that respect?

Mr. DALBY. I talked on that subject with the corps of employees at the school. Before visiting the class rooms and seeing the children I spent an evening with the superintendent and his corps of employees, and I discussed that problem, along with many others, very thoroughly with them.

The CHAIRMAN. Well, what did you find as to conditions there; that is, whether any effort had been made to prevent contagion by the promiscuous use of same wash basin, and the children washing in the same water?

Mr. DALBY. I am not sure, Mr. Chairman, that I discussed that identical question.

The CHAIRMAN. I am not asking you what you discussed, but what you observed there.

Mr. DALBY. I told you in the beginning that I did not observe anything in that connection.

The CHAIRMAN. You did not observe that?

Mr. DALBY. No, sir; I did not observe that. I may say in that connection that my opinion as to the care of the children was based upon my conference with the teachers primarily and with the matron. The matron at the Crow Agency school, I will hazard, is as good a matron as there is in the service for similar work. Her name is Mrs. Woodruff, and she deserves the highest commendation.

Mrs. GREY. I fully agree with you as to Mrs. Woodruff, but she is not the one.

Senator DIXON. Were you at Helena when the grand jury was in session?

Mr. DALBY. Yes, sir.

Senator DIXON. Mrs. Grey stated the other day that you wrote the grand jury report. Is that true or not?

Mr. DALBY. It is not.

Senator DIXON. Did you have anything to do with the preparing of the report for the grand jury or writing it?

Mr. DALBY. I did not; on the contrary, I declined to have anything to do with it.

The CHAIRMAN. Was anything asked you with regard to taking a hand in the preparation of the report?

Mr. DALBY. There was that intimation made me that my assistance would be appreciated. I said I did not care to have anything to do with it.

The CHAIRMAN. That came from one of the grand jurors?

Mr. DALBY. Yes, sir.

The CHAIRMAN. Which one?

Mr. DALBY. I think it was Mr. Johns; I think so.

The CHAIRMAN. Do you know his first name?

Mr. DALBY. I think it is John T. Johns. He was secretary of the grand jury, and the preparation of the report was given to him by virtue of his office, and it was in that connection that he suggested that he would appreciate my assistance.

The CHAIRMAN. What did he indicate that he wanted your assistance in, simply as a scribe, or in the preparation of the report?

Mr. DALBY. I think so.

The CHAIRMAN. Well, which?

Mr. DALBY. I understood you to ask whether it was as scribe in the preparation of the report.

The CHAIRMAN. No; I say as scribe or in the preparation of the report. That was my question.

Mr. DALBY. Well, I think he wanted me to help him formulate it, and for that reason I said I did not care to have anything to do with it. I would like to add there that this was after the grand jury had reached its conclusion and determined what its report would be, and Mr. Johns then wanted me to help him formulate the report. I did not make that statement with a view of criticizing Mr. Johns. He may not have meant more than a proper assistance, to see that the proper things got in there, but I did not care to run the risk of any criticism, and so I said, "No, sir; I will have nothing to do with it."

Senator DIXON. You said you served in the Army at one time?

Mr. DALBY. Yes, sir; during the Spanish war.

Senator DIXON. Where did you see service?

Mr. DALBY. In Cuba.

Senator DIXON. In what regiment?

Mr. DALBY. District of Columbia.

Senator DIXON. Did you advise the Indians out there not to sell their steer calves, as Mrs. Grey has testified?

Mrs. GREY. Let me correct you there. I said that the Indians told me.

Senator DIXON. The Indians said that?

Mrs. GREY. Yes, sir.

Senator DIXON. That Dalby gave them that advice?

Mrs. GREY. Yes, sir.

Senator DIXON. Did you give the Indians any such advice as that, Mr. Dalby?

Mr. DALBY. That, like many good stories, would be spoiled if we ran it up against facts.

Mrs. GREY. It is a story that is in common circulation out there.

Mr. DALBY. Yes; I think it was circulated, first in the Sheridan Post, secondly in the Billings Inquirer, and thirdly, probably, before the grand jury in Helena, and fourthly, probably, here, Mrs. Grey being the circulator in all cases.

Mrs. GREY. In three instances; not in the first.

Senator DIXON. Did you find any foundation for any of the charges made by Mrs. Grey against the conduct of the agent there?

Mr. DALBY. That is rather a sweeping question, Senator, and it is hard to answer in a word. My report itself would be the best answer to that, as it takes up those matters, and where I found any justification for any of her charges I remarked upon that fact in the report.

Senator DIXON. Did you see any irrigation ditches on the reservation in which water would have to run uphill in order to run the ditches?

Mr. DALBY. I do not know whether I did or not.

Senator DIXON. Did you notice any irrigation ditches there?

Mr. DALBY. I did not see water running uphill.

Senator DIXON. Were there any of the irrigation ditches that water would not run in; did you take notice of that?

Mr. DALBY. I was told that there was one in which water would not run, but whether that was true or not I do not know.

Senator DIXON. You found very extensive systems of irrigation there?

Mr. DALBY. Yes, sir.

Senator DIXON. To irrigate the Indian lands?

Mr. DALBY. Yes, sir.

Senator DIXON. Were the Indians doing any farming to any appreciable extent?

Mr. DALBY. To some extent, yes, sir. There were probably a dozen or more Indians upon the reservation who really undertook of their own initiative to do farming work. I am not sure that there are more than that.

Senator DIXON. Did you visit Joe Cooper's ranch?

Mr. DALBY. I did.

Senator DIXON. What kind of a farm has he?

Mr. DALBY. There is only negative evidence on that subject.

Senator DIXON. What kind of a layout did Joe have there at his ranch?

Mr. DALBY. There was a site of a house which had been burned down. Among the ashes I observed the remains of a bicycle and some household utensils, and I think a few simple farming implements. In the neighborhood I found some other farming implements.

Senator DIXON. What kind?

Mr. DALBY. One that I recall is a buggy rake which I found in the creek.

Senator DIXON. That is a horse hayrake?

Mr. DALBY. A horse hayrake.

Senator DIXON. You found that in the creek?

Mr. DALBY. That is my recollection.

Senator DIXON. The house had burned down just prior to your visit there, had it?

Mr. DALBY. Yes, sir.

Senator DIXON. Did you make any effort to get Joe to rebuild his house?

Mr. DALBY. I did, most earnestly.

Senator DIXON. What did you suggest to him as to what help would be advanced?

Mr. DALBY. When I first went to Lodgegrass, on my way around over the reservation, Joe was not there, but his wife Susie was. I had quite a talk with her to find out whether there was anything I could do to help Joe straighten up. Mr. Burgess, at the Crow Agency, had talked with me very earnestly about Joe, and I had promised him that I would do my best to make Joe straighten up. He had promised to help me.

Senator DIXON. What do you mean by "straighten up?"

Mr. DALBY. Assume the responsibility of a husband and father and take care of his wife and children.

Senator DIXON. Had he been neglecting those duties?

Mr. DALBY. He had.

Senator DIXON. In what way?

Mr. DALBY. By not providing for their ordinary needs.

Senator DIXON. Is he a man who has done any work or made any effort to help his family?

Mr. DALBY. I think he has appeared before you. He is an able-bodied man and a good worker when he will work. He is capable of doing good work.

Senator DIXON. Did he ever work?

Mr. DALBY. Not while I was there. He did, I think, three days' work during the month of June. That is all I could learn about.

Senator DIXON. Did you offer at that time to help him in rebuilding his house if he would do any of the work?

Mr. DALBY. I was proceeding to give you that story, and I will make it as brief as possible. I asked Susie if there was anything I could do to help them and help Joe get a start, and in discussing the matter I asked her if they had any claims that I could help them collect. She said it was hard to get started, since they had no money; that they would have to buy things to keep themselves going at the store there, after they built the house. Well, she said that there was one claim for some hay that they had not had any pay for. She said that sometime in the previous fall, sometime along in September, some of Frank Henry's cattle had gotten into their place and had destroyed some of their hay, and I asked her how much hay it was, and she said she thought it was about 17 or 18 tons. I asked her how much of it Frank Henry's cattle had destroyed, and she said she thought about half, and I figured out that that would be, at $5 a ton, probably about $50 that Henry might owe them. I said, "I will see Mr. Henry, and if I find out that his cattle have depredated on your place I will make him make a just settlement." Then I discussed other methods of helping them; what was best for them to do, then when Joe came—Joe came in a day or two afterwards—I went over the whole situation with him and asked him if he could not build a house over there. He said yes, he could get the logs, but he would

not have the timber for the roof, or any shingles. Well, I said, there weren't any shingles, and I did not know how much timber there was, but that if he would go ahead and build his house, if there was anything on the reservation that could be issued to him to help him in that connection I would give him my word that it would be issued to him, and I urged him to go at once, before building his house, and plow up a tract of land and plant some potatoes. I said, "Now, this is the proper time for seeding, and you ought to get something in to support your family during the winter." I asked him if potatoes would mature, and he said yes, and I urged him to at once plow up that ground and plant potatoes. I asked him whether the place would bring winter wheat without irrigation, and he said he thought it would. I advised him to put in some winter wheat there, and I understood he was going to try. When I got around to that part of the country I made inquiries about the cattle. Joe did not know about that; he said he had not seen them himself, but that Jack Kennedy and Dick Wallace had driven them off.

Senator DIXON. Those were the 300 head of cattle that he referred to in the council?

Mr. DALBY. I assume so. So when I got around there I saw Dick Wallace first and I asked him about it. He said he remembered driving some cattle off of Joe's place; but he said the place was not inclosed and most of the cattle were Joe's cattle; that he remembered one Indian brand that he did not recognize, and he remembered that he had seen one or two with Frank Henry's brand, the Antler. I asked him if he could give me any idea as to the proportion of the hay Frank Henry's cattle had probably destroyed. He said he could not even guess at it. Afterwards I saw Mr. Kennedy, and Kennedy gave me about the same information, though not quite so definitely as Dick Wallace. Then I saw Mr. Heinrich. I had spoken to him before about it, and I saw him again, and he said "Well, whatever you say I will do; I will pay Joe if you think I ought. Just whatever you say goes." He showed me a check with Joe Cooper's indorsement for $100. That check, I think, was dated the 21st of September, 1907. He told me that this check——

Senator DIXON. Do you mean 1907 or 1906?

Mr. DALBY. 1906. Thank you for correcting me. He told me that this check was given Joe in consideration of the damages which his cattle might do in breaking into Joe's place, which was adjacent to some lands which he had a right upon by arrangement with other Indians—Joe's land not being inclosed. This $100 was given in anticipation of and compensation for such damage as his cattle might do. So when he told me he would pay Joe whatever I thought was right, I said "Mr. Heinrich, when I get ready to exercise charity I will do it out of my own pocket and not yours. The $100 which you paid Joe Cooper I think is ample for the damage which I think your cattle did."

That answers your question as to what I did to help Joe Cooper.

Senator DIXON. Did you see any signs of Joe's industry around there on his ranch, whether he made any attempt to cultivate it?

Mr. DALBY. I saw the remnants of a garden that had probably been cultivated before the house burned down.

Senator DIXON. How many acres were there in the garden?

Mr. DALBY. I could not even guess. It is a small plot; maybe an acre or so.

Senator DIXON. Was that the extent of the cultivation on all of his place that you saw?

Mr. DALBY. I could not answer that with positiveness. I do not know whether he had ever had any grain in it or not.

Senator DIXON. This was all you saw any evidence of?

Mr. DALBY. That was all I noticed about his place. I did not go all over the ranch. I noticed his place and saw Dick Wallace——

Senator DIXON. Where was Joe when you visited his place?

Mr. DALBY. I do not know.

Senator DIXON. Were his wife and children there then?

Mr. DALBY. They were at Lodgegrass.

Senator DIXON. Where was Joe when they were at Lodgegrass?

Mr. DALBY. At the town of Lodgegrass. This is some distance across the mountains—or hills, rather. I do not know what the distance is; probably 30 miles, I guess, from Lodgegrass to Joe Cooper's place.

The CHAIRMAN. What interest, if any, so far as you know, did Mrs. Gray have in making this investigation?

Mr. DALBY. If that question is asked as to my present knowledge, I can answer it to this extent: I know that she received a considerable sum of money from the Indians. At the time that I spoke to the Indians about her interest in the matter I did not know this fact and I stated to them, as I recited here, that I did not know what her interest was, but it was evident that it was not their interest.

Senator SUTHERLAND. Let me ask you a question. What do you mean by a considerable amount? What had she received?

Mr. DALBY. Well, I know that she received $310 at one time—and when I say I know, I mean that I have evidence that would prove the fact; she received $100 at another time; she received $25 at another time, and at another time $25.

Senator SUTHERLAND. That would be altogether $470.

Mr. DALBY. Four hundred and sixty dollars, I think.

Senator SUTHERLAND. Yes; you are correct.

Mr. DALBY. There are other sums that I have no direct evidence about.

Senator SUTHERLAND. As I recall it Mrs. Grey herself testified to having received $310 at one time. Do you know whether or not she simply used that for expense in connection with the investigation, coming on here to Washington, etc.?

Mr. DALBY. I am sure I do not know.

Senator SUTHERLAND. Well, she did come to Washington.

Mr. DALBY. I know that she did come to Washington.

Senator SUTHERLAND. She spent considerable time here.

Mr. DALBY. Yes. I have no means of determining what expenditures she made.

Senator SUTHERLAND. She had to pay her hotel expenses, of course, while she was here.

Mr. DALBY. I assume so.

Senator SUTHERLAND. And you do not know anything about what would be the usual expenses of such a trip as that?

Mr. DALBY. Well, I might give a rough guess; that is all I can give.

Senator SUTHERLAND. Well, let us have that.

Mr. DALBY. My impression is that the railroad fare from Crow Agency here is less than $50.

Mrs. GREY. It is $53.

Senator SUTHERLAND. Going back and forth it would be $100.

Mr. DALBY. That would be about $100, and of course the Pullman fare would probably amount to another $15.

Mrs. GREY. Thirty dollars.

Senator SUTHERLAND. Do you mean the round trip?

Mr. DALBY. I have never found it necessary to spend that much.

Mrs. GREY. It is $15 from there here.

Senator SUTHERLAND. Three hundred dollars would not be an excessive amount for expenses in traveling and hotel expenses and incidentals, making a round trip back and forth from the agency here, and remaining in Washington two or three weeks, would it?

Mr. DALBY. Well, I could hardly say; I do not know what the lady's expenses would be. It would be much more than I would expend.

Senator SUTHERLAND. I do not care to pursue this subject to any great extent, but do you know whether or not Mrs. Grey received any amount of money from the Indians in excess of what would be a reasonable amount for her expenses in connection with whatever she may have done in this investigation?

Mr. DALBY. I know that what she did receive she received regardless of the matter of expenses.

Senator SUTHERLAND. You do not quite answer my question. Will the stenographer please read the question?

The last question was read.

Mr. DALBY. An answer to that question would require me to estimate what would be a reasonable amount, and I am hardly qualified to do that.

Senator SUTHERLAND. You know better than I do what she may have done. You know the time she spent here and the time in traveling back and forth, and the time she spent on the reservation.

Mr. DALBY. As I said in the beginning, I can make a rough guess at that. I think that $105 would cover the railroad fare; I think $15 would cover the necessary Pullman fare. That would be $120.

Senator DIXON. Two ways or one?

Mr. DALBY. The round trip.

Senator DIXON. Fifteen dollars both ways?

Senator CURTIS. Did you put in the item of meals?

Mr. DALBY. No, I did not. It would be $20 for the Pullman fare.

Senator SUTHERLAND. I do not care to go into the items, but if you can answer my question, please do so; and if not, I will not bother you to go into the details of it.

Mr. DALBY. I can not do it intelligently except upon that basis, Senator.

Senator SUTHERLAND. Can you not make the computation in your own mind and let us have it?

Mr. DALBY. I can, if you will pardon me while I make some figures.

Senator DIXON. It is about a three days' trip to Washington.

Mr. DALBY (after figuring). I should say that to come from the Crow Agency to Washington and spend thirty days here would cost about $275.

Senator SUTHERLAND. And spend thirty days here?

Mr. DALBY. Yes, sir.

Senator SUTHERLAND. Well, do you not think that the trip would have to be made with a great deal of economy to do that?

Mr. DALBY. I think that could be done at a comfortable rate.

Senator DIXON. Would that be at the New Willard or the St. James?

Mr. DALBY. That would be at the St. James, Senator.

Senator DIXON. How much money has she collected from the Indians.

Senator SUTHERLAND. Four hundred and sixty dollars altogether.

Senator DIXON. Is that Mr. Dalby's testimony?

The CHAIRMAN. Yes.

Senator DIXON. I want to ask just one question. You say you served in the Army in the Spanish war.

Mr. DALBY. Yes, sir.

Senator DIXON. In Cuba, did you say?

Mr. DALBY. Yes, sir.

Senator DIXON. Where were you and how long were you in Cuba?

Mr. DALBY. I reached Santiago on the 10th of July, and on the 11th we marched up to the firing line and stayed there until we got through and came home, which was in August.

Senator DIXON. What rank did you hold?

Mr. DALBY. I was a corporal. I carried a gun.

The CHAIRMAN. What disturbance did Mrs. Grey create on account of which Mr. Reynolds asked for an investigation?

Mr. DALBY. I can answer that only at second hand, on the investigation that I made afterwards. Major Reynolds being present, would probably be a better witness as to that. I can give my information, if you would like me.

The CHAIRMAN. I would like to have you answer the question. You can give any information that you have and answer the question in any way you like.

Mr. DALBY. All right, sir. I found out by inquiry that Mrs. Grey had been at Lodgegrass and had stated that she had come in by the authority of the President, and I was informed that she said that she was to take charge of things out there and to have an investigation made, and that an investigator was coming, and the Indians understood that as evidence that the entire system of the agency was to be subverted. The agent thereupon went to Lodgegrass and asked Mrs. Grey to show her authority from the President, and upon her failure to show that authority he arrested her and expelled her from the reservation; or rather took her to the agency, and there he relieved her from arrest after the Department had directed him to, and she left the reservation.

The CHAIRMAN. Where did you get this information?

Mr. DALBY. I got this information from Major Reynolds and from the Indians.

The CHAIRMAN. What Indians?

I can not specify exactly. I may state that Alexander Upshaw, for one, told me that he asked Mrs. Grey for her commission from the President and that she was unable to produce it, and he was convinced that she had no such commission.

The CHAIRMAN. Does this statement correspond to what you found when you met Alexander Upshaw with Mrs. Grey at the tent of Frank

Shane the first day when she introduced the Indians to you and felt very much satisfied with everything that was done?

Mr. DALBY. What statement is that that you refer to?

The CHAIRMAN. The statement which you have just made as coming from Mr. Reynolds and others. You are now answering that statement in accordance with conditions as they appeared to you when you came to meet these Indians—Alexander Upshaw with Mrs. Grey.

Mr. DALBY. That of course calls for an inference and not a statement of facts, but I may say that I see no antogonism of the one statement to the other.

The CHAIRMAN. Have you kept a copy of the letter which Mrs. Grey wrote you when she was at Sheridan asking if she could not come immediately to the reservation on account of the dance?

Mr. DALBY. If she wrote any such letter, I have never received it.

The CHAIRMAN. At the time of this dance that was in progress on the reservation, were you attending the dance at Reno with the age t?

Mr. DALBY. I did attend a dance at Reno with the agent on the 30th, I think.

The CHAIRMAN. Referring to your statement about the gathering of Indians at Lodgegrass, you may state whether or not it is a fact within your knowledge that they were gathered there for the annual medicine dance.

Mr. DALBY. I was informed that the agent had given permission to the Indians of the several districts to dance according to their custom on the 30th of May. That was entirely independent of the arrangement that I had made with Mrs. Grey.

The CHAIRMAN. I am not speaking of the arrangement which you made with reference to the meeting which you heard of at Lodgegrass, and which you had described, but you may state whether you understood that that was a gathering there for their annual medicine dance.

Mr. DALBY. No, sir; I did not.

The CHAIRMAN. Do you know anything about the custom of the annual medicine dance on the reservation?

Mr. DALBY. I understand that it is the custom to have such a dance in the spring.

The CHAIRMAN. Did you understand it at that time?

Mr. DALBY. No, sir; I did not know what time it was.

The CHAIRMAN. You do not understand the question. When you were there did you then understand it was the custom to have this medicine dance at different places on the reservation?

Mr. DALBY. You mean did I understand it was the custom to have it at this time——

The CHAIRMAN. And did you at that time understand that it was the custom?

Mr. DALBY. To have it at that time?

The CHAIRMAN. Yes.

Mr. DALBY. No, sir.

The CHAIRMAN. You knew they were having one at Reno, did you not?

Mr. DALBY. Yes, sir.

The CHAIRMAN. Did you know of any others which were being held on the reservation at that time?

Mr. DALBY. I heard that they were having some others, but I did not know where they were. I would like to add to that answer if I may.

The CHAIRMAN. Certainly.

Mr. DALBY. This was a regular dancing time, but it was not the time specified for this particular dance, so far as I know. It happened that these Indians at Reno had their tobacco dance on that day.

The CHAIRMAN. Do you know of their dancing at Pryor and at Mission?

Mr. DALBY. I do not.

The CHAIRMAN. Do you know whether or not the agent had given permission for this gathering at Lodgegrass for the purpose of the dance?

Mr. DALBY. I know that he gave general permission to the several districts, as I have already stated.

The CHAIRMAN. Did you know it at that time?

Mr. DALBY. I did; yes, sir.

The CHAIRMAN. Did you receive a letter from Mrs. Grey stating that she had sent word to them that if they were gathering on her account for them to be sent home?

Mr. DALBY. There is a letter in the record which contains some statement of that kind. Whether that is exactly correct or not I could not state.

The CHAIRMAN. Have you got the letter?

Mr. DALBY. No, sir; it is in the record.

The CHAIRMAN. On the Saturday that you were at Shane's tent did you make an agreement with the Indians to meet them the next Tuesday at Frank Gordon's?

Mr. DALBY. I do not recall. I would like to add to that, I afterwards wrote Mrs. Grey that I was to be there on Wednesday or Thursday, I have forgotten which. It was the letter to which I referred when the agent brought me this message from Burbank at midnight Wednesday.

The CHAIRMAN. Mrs. Grey, you may ask any questions that you desire, and the witness will understand them as coming from the committee.

Mrs. GREY. Did you not tell the Indians when we were in Frank Shanes's tent, to tell all the Indians from the different parts of the reservation to be at Gordon's without fail, that he would meet them there on Tuesday?

Mr. DALBY. No; I did not give any such directions. I agreed that Mrs. Grey should communicate with the Indians in all the districts, any of them that she wished, to come and see her at Lodgegrass, but I made no appointments with the Indians myself at that time.

Mrs. GREY. When you and I were at the station had not the Indians already set out to call the Indians from all parts of the reservation at Gordon? Had they not already gone when you and I left there?

Mr. DALBY. I do not know.

The CHAIRMAN. How do you know about the telegram to Huntley?

Mr. DALBY. Mr. Burbank, I think, told me it was reported that Mrs. Grey had invited Mr. Huntley to come to Lodgegrass and ask whether if Huntley could go, others could also go. I said in reply to that that Mrs. Grey had no authority to invite anybody off the reservation to

come onto the reservation; that there was a meeting of the Indians and it was with them to say who should attend.

The CHAIRMAN. Do you know whether it was a private telegram or not?

Mr. DALBY. No, sir; I only know what I have stated.

The CHAIRMAN. You may state whether you and Mrs. Grey acted in conjunction in directing these Indians at that time, in view of her statement that she refused to introduce you.

Mr. DALBY. I fear I can not answer that very directly, but the fact is this: I authorized Mrs. Grey to go to Lodgegrass for the purpose of calling together the Indians so that she might discuss with them the various facts relating to the charges in order that she might formulate her charges and give me the names of witnesses who could testify in substantiation of those charges. The meeting of the Indians was in pursuance of that authority. I had no direct relation with the Indians in that connection whatever, except to notify Mr. Burbank that Mrs. Grey had this authority and she must not be molested in her communications with the Indians.

Mrs. GREY. Did you not make the positive demand that I must be at the Crow Agency to begin on Sunday morning, and this was Friday night?

Mr. DALBY. I did not.

Mrs. GREY. Was it not in pursuance of this agreement that I went to Lodgegrass and came into that tent to keep my appointment with you, and that I had no communication with you in the meantime?

Mr. DALBY. I could not answer what brought Mrs. Grey to the tent Sunday afternoon.

The CHAIRMAN. Did you in any way give her any formal notice of the change of holding the meeting from Crow Agency to Lodgegrass or inform her in any way that she was to attend that meeting?

Mr. DALBY. The notice that I gave Mrs. Grey in that connection was simply this: I accepted the Indians' proposition to dismiss Mrs. Grey and left all the details of carrying out that new arrangement to them. To facilitate their carrying out that arrangement, I wrote a careful memorandum stating that Mrs. Grey was to be permitted to leave the reservation without being molested, and that if she desired safe conduct to the border of the reservation I would furnish it upon application, and left it with the Indians.

The CHAIRMAN. To whom did you give that memorandum?

Mr. DALBY. To Alexander Upshaw, the interpreter.

The CHAIRMAN. Do you know whether it was ever given to her or not?

Mr. DALBY. I do not. I may say that I did not give it to him for the purpose of giving it to Mrs. Grey, but for the purpose of guiding the Indians in the action to be taken, so that he might show that to her or interpret it to the other Indians, according as his necessities required.

The CHAIRMAN. Then you do not know of any notice whatsoever that Mrs. Grey had that she must not come to this tent?

Mr. DALBY. I do not.

The CHAIRMAN. Or that she must leave the reservation?

Mr. DALBY. I do not.

The CHAIRMAN. You say she made statements that were not true.

Mr. DALBY. May I add to that answer?

The CHAIRMAN. Certainly.

Mr. DALBY. The notice which I do know was given to Mrs. Grey, was given by me when she appeared in the tent Sunday afternoon.

The CHAIRMAN. You stated on your direct examination that you kept a memorandum of these statements, and they were in conflict, some of them, one with the other. Can you recall any of them specifically?

Mr. DALBY. The memorandum that I alluded to was merely to jot down on an envelope or something that I had in my pocket, to use that merely as rough notes in demonstrating to the Indians.

The CHAIRMAN. Do you recall now any of those statements which contradicted one another, to which you called the attention of the Indians?

Mr. DALBY. I do not with sufficient accuracy to make a clear answer.

The CHAIRMAN. Do you remember seeing Mrs. Grey at the Crow Agency in the tent that day, and your coming to Lodgegrass five days later; had you not been in consultation with Mr. Bair, Mr. Edwards, Mr. Heinrich, and Mr. Reynolds at Crow Agency?

Mr. DALBY. I had been in conference with Mr. Reynolds, the agent. I had been investigating Mr. Reynolds.

The CHAIRMAN. Had you met these other people at the agency?

Mr. DALBY. I had not met Mr. Bair, and I had not met Mr. Edwards before I went to Lodgegrass.

The CHAIRMAN. Mr. Henry was not there?

Mr. DALBY. He was not.

The CHAIRMAN. Did not Mr. Edwards send a telegram to Van Hoos, the farmer, to bring Plenty Coos to Billings to see him at this time?

Mr. DALBY. I do not know.

The CHAIRMAN. That did not come out in the hearing at Gordon?

Mr. DALBY. I heard some statement of that kind.

The CHAIRMAN. You did not hear Plenty Coos say that?

Mr. DALBY. I do not remember who said it. I think Mrs. Grey said it.

The CHAIRMAN. But you remember it was made?

Mr. DALBY. I do remember the statement being made, but I have no knowledge of the fact.

The CHAIRMAN. You say you went to see a ditch with Rides White Hip Horse and promised him certain things. Did you not promise them these different things and a great many things in consideration of the fact that they were to dismiss Mrs. Grey?

Mr. DALBY. Absolutely I did not; not only not then, but not at any time or under any circumstances. I did promise the Indians then, as Mrs. Grey will recall, that if they dismissed her I would then proceed with the investigation without her assistance, and I promised them I would make a thorough and fair investigation.

The CHAIRMAN. If you had, you did not make it while she was there?

Mr. DALBY. No, sir.

Mrs. GREY. At Gordon's?

Mr. DALBY. No, sir.

Mrs. GREY. At the time that the Indians came back into the tent did not Plenty Coos mock you and tell you to leave the reservation?

Mr. DALBY. If he did I was not present when he did.

Mrs. GREY. Did he not at any time tell you to leave the reservation?

Mr. DALBY. Exactly, as I reported it earlier.

Mrs. GREY. On the strength of that order, did you not depose Plenty Coos?

Mr. DALBY. I did not.

Mrs. GREY. He was deposed by you, was he not?

Mr. DALBY. He was not.

Mrs. GREY. Nothing was said about that at all?

Mr. DALBY. Absolutely nothing.

Mrs. GREY. And no one else was appointed to take Plenty Coos's place?

Mr. DALBY. No one.

Mrs. GREY. No one that you ever heard of at any time?

Mr. DALBY. Oh, I heard——

Mrs. GREY. I mean to say at this time.

Mr. DALBY. I will answer your question if you will permit. I heard that there was a newspaper report to the effect that Plenty Coos had been deposed.

Mrs. GREY. What newspaper was it in?

Mr. DALBY. I do not know; I heard that it had been published in Billings.

Mrs. GREY. In the Billings Gazette?

Mr. DALBY. I do not know.

Senator DIXON. Has an Indian inspector any right to depose an Indian chief?

Mr. DALBY. I assume that he has. I would have done it if it had been necessary. When I got around to Pryor, finally, I called Plenty Coos's attention to the fact that some of the Indians in some of the districts had said that he (Penty Coos) told them not to talk to me until we had a big council, and in all those cases I replied, "We are not going to have any big council, and if you want to talk to me you will have to do so now; this will be your only chance," and when they had anything to say I think they talked. That was the opinion of the influential men of all the districts, that I had heard whatever they had to say; but when I got around to Plenty Coos's district the first thing I did was to call the old man in, and I did it privately; I had everyone else excluded from the room because I did not care to humiliate him unnecessarily, but I let him know that I was not mincing words; that I knew he had fought against the efficiency of my investigation by making these statements to the Indians. I said: "Now, Plenty Coos, you have played into the hands of Mrs. Grey, who you know is an enemy of the tribe. Your action has tended to prevent a thorough investigation. Now, I know that you are responsible, and I hold you responsible for it, but I have fortunately been able to overcome the effect of that action." He said that I must hold them responsible, each Indian, for what the men did, and not hold him, Plenty Coos, responsible. I said: "Well, Plenty Coos, I will pass it by this time because it has not done any harm; but I want you to understand that your position here as chief is not an official or necessary position. You have such influence as the Department of the Interior is willing that you should exercise. If the Department of the Interior finds that you are exercising that influence to the

detriment of the Crow Indians, then your influence will be taken away from you."

The CHAIRMAN. What did Mrs. Grey say in her attempt to excite the Indians at the time you arrested her?

Mr. DALBY. I could not recite it all. She called upon Joe Cooper, as I have said, saying, "Have you any manhood?"

The CHAIRMAN. That was after you arrested her. You arrested her for some cause, and she assumes that it was because you thought she was inciting the Indians.

Mr. DALBY. The reason for arresting her then was that she was interrupting the meeting of the Indians.

The CHAIRMAN. She asks you now to state what it was that she said, if you recall it.

Mr. DALBY. I might state some of those things. I think she said that she and Joe Cooper had been out for a ride. That was one of the things. Then she said if that was a meeting of the Crow Indian lodge Joe Cooper should be in the chair, and when I told her that the Indians had decided to withdraw their case from her she asked if that was so—asking the various Indians—and I think a good many of them answered and said it was so, at any rate she asked Joe if he had signed any telegram asking me to come to Lodge Grass, and he said yes, he had signed it. There were a good many other things.

The CHAIRMAN. Is that all you can recall?

Mr. DALBY. That is all I can at the moment recall that is specific. I have a general impression that I can state.

The CHAIRMAN. Were Joe and Mrs Grey together at this time?

Mr. DALBY. I think they came in together, but as to that I am not sure.

The CHAIRMAN. You say they had been riding together?

Mr. DALBY. She stated they had. She was in her riding habit.

The CHAIRMAN. You say that Mrs. Grey attempted to incite the Indians to violence. Is it not a fact that Scolds The Bear took Mrs. Grey to his house and left her alone there, and the Indians came back and she made a great many of them promise to go home and not use force?

Mr. DALBY. I do not know of such a situation. The facts that I know would contradict that.

The CHAIRMAN. Do you remember One Star going to Mrs. Grey and her sending him over to the tent to get her umbrella?

Mr. DALBY. I remember One Star being present, but I do not remember her sending him after her umbrella.

The CHAIRMAN. Do you remember his coming back to you and asking you if you knew what had become of the books that Mrs. Grey had left in the tent when she was arrested?

Mr. DALBY. I do not recall. I would like to state in that connection, Mr. Chairman, that the house in which I put Mrs. Grey was the house of Mr. Deputy, who is a squawman, living in Lodge Grass, and is employed by the storekeeper there, and I left Scolds The Bear in charge of Mrs. Grey with instructions to see that she was cared for and kept safely. I know that while I was present there was no communication between Mrs. Grey and the Indians and that there was no effort on her part, and no evidence of any action on their part which would indicate any such situation as has been outlined. I

was not present during the whole time, and consequently I can not answer the question more fully.

The CHAIRMAN. Mrs. Deputy is Scolds The Bear's sister, is she not?

Mr. DALBY. I do not know.

The CHAIRMAN. Did you order Mrs. Grey confined in an empty room without heat?

Mr. DALBY. I do not know. I know that I made the best effort I could to make her comfortable.

The CHAIRMAN. Is it a fact that Scolds The Bear made Mrs. Grey go into the kitchen, where it was warm; where the Indians were coming in and going out?

Mr. DALBY. I do not know. I know that Mrs. Grey went into the kitchen and I know that she told me she had been quite comfortable when I inquired.

The CHAIRMAN. You did not see any violence or any show of violence, and you did not fear violence, did you, at this time?

Mr. DALBY. No; not at that time.

The CHAIRMAN. Is this Mr. Johns, the man who was on the grand jury, an editor?

Mr. DALBY. I understand that he is.

The CHAIRMAN. He was competent then to write, in a literary way, that report, was he not?

Mr. DALBY. I presume so. I think he did write it.

The CHAIRMAN. Did you know the conclusion of the grand jury before the report was made?

Mr. DALBY. I did not.

The CHAIRMAN. Did I understand you to say so a few minutes ago?

Mr. DALBY. I had no occasion to state it.

The CHAIRMAN. Did you ever hear of No Water ditch?

Mr. DALBY. I never did.

The CHAIRMAN. Did you ever hear of Domonick Stevens ditch?

Mr. DALBY. I have heard of Stevens's ditch.

The CHAIRMAN. Did you know that the water there was made to run uphill in both ditches?

Mr. DALBY. No; I have never seen water run uphill.

The CHAIRMAN. You say you saw a few farming implements in the ashes of Joe Cooper's house?

Mr. DALBY. I said I thought so.

The CHAIRMAN. Is it not an unusual place to have farming implements in a house?

Mr. DALBY. That may be.

Senator DIXON. It is an unusual place to have a hay rake in the creek, is it not?

Mr. DALBY. That may be.

The CHAIRMAN. You spoke about Joe Cooper not doing much farming. Can you state how much Scolds The Bear earns?

Mr. DALBY. I think he gets $25 a month. He is a lieutenant.

The CHAIRMAN. Does not Joe Cooper earn more than George Pease or more than Scolds The Bear, so far as you know?

Mrs. GREY. George Pease testified here that his place had been leased for five years, and he has all the money on earth he wants.

The CHAIRMAN. Yes; I recall that the evidence showed he gets $1,200 a year rent.

Commissioner LEUPP. Mr. Chairman, I would like to ask the witness a question, apropos of his stating that he saw only a comparative few Indians on places being worked by them. I would like to ask him if there were a good many leased places on the reservation where they were at work, or where the leasers were at work?

Mr. DALBY. The few that I referred to were those who were working of their own initiative. There were a considerably larger number who were working with some prodding from the agent and his subordinates. I do not know of any large number of leases. The George Pease lease, to which Mrs. Grey has referred, is the most considerable. There are three or four others, but only three or four.

The CHAIRMAN. I want to call the witness's attention to the interview with Mr. Brosius, and ask him if he wants to make any statement with regard to that.

Mr. DALBY. On the 13th of July, at about 8 o'clock in the evening, I was going over to the train to mail a letter. As I crossed the bridge over the irrigation canal I met Major Reynolds and Mr. Bailey. They were sitting upon the railing, I think, chatting, and I stopped and chatted with them for five or ten minutes; the train was not due for some time. While we were there some one came up and called Major Reynolds to one side—I do not recall who it was; I think it was Frank Shively. After some conversation Major Reynolds came over to us again and said that it was reported that a Mr. Brosius had come in on No. 42 that afternoon and had gone to Mr. Burgess's house in company with Russell White Bear, and that Mr. Burgess, it was understood, had gone to a meeting up at Albert Anderson's, in Reno, for the purpose of meeting some Indians there, ostensibly for a religious meeting, but as it was suspected for the purpose of getting a bunch of discontented Indians together to bring down to Mr. Brosius. I said: "Well, I will have to see Mr. Brosius." I went to the station and left my letter with the agent and went back to the hotel. There I wrote a letter to Mr. Brosius, telling him that I had just heard that he was at the agency in connection with some matter concerning the Indians, and that if this was so I would be glad to see him at my room at the hotel, and that I had sent the agent to deliver the note to him. The agent took the note to Mr. Brosius, and in the course, I suppose, of half an hour Mr. Brosius came in. I greeted Mr. Brosius in the ordinary way, and we chatted about commonplaces for a while and then I said that I felt that perhaps I ought to offer him some apology for having sent to him rather than going to see him, but I told him there were peculiar reasons which I did not care to state why I did not care to go to Mr. Burgess's house, and therefore I had sent the agent as a messenger who would show my respect for his office to take my note to him, and I would like to discuss with him any matter that he wanted to take up in regard to the agency, as I understood he was there in regard to some matters of that kind.

He said at once that I was entirely mistaken; that he had not come there in connection with any matter concerning the Indians, but merely for a personal call on Mr. Burgess, whom he said he had not seen for several years, and he said: "In fact, Mr. Burgess did not know I was coming this afternoon." I said: "Well, that being the case, of course the matter is a little different. Now, I recognize the status of your position and of your society, and you are aware of the

fact that I have been making an investigation here for the last few weeks, and if, in view of any facts that you have in mind, you would like to discuss the conclusions I have reached or the facts that I have learned, I will take the liberty of going over this with you, although you recognize that in doing that I am acting in a somewhat irregular way, because my report should be first made to the Secretary of the Interior; but I recognize your position and I will take that liberty." Mr. Brosius replied that he did have some matters in mind that he had heard of—some matters that he thought might not be just right, but he said he was not quite sure then whether they ought to be investigated or not, but he said: "I will be very glad to have you go ahead and tell me what you have found out." I said, "Well, Mr. Brosius, I could not undertake to do that, because I have made an extended investigation and that would take some time;" and he said, "Then it would require me some time, perhaps, to satisfy myself on what you tell me." And I replied to that, that of course without the authority of the Secretary of the Interior he could not be permitted to make an independent investigation upon the reservation at that time for the purpose of satisfying himself as to what I might tell him. He said he understood that thoroughly, and that he had no such authority, and I asked him if he would tell me what the things were that he had in mind so that I might tell him what I knew about them. He said, "No; I will take the usual course about that;" and I asked him what the usual course was, and he said his usual course was to write to the Commissioner of Indian Affairs. Then I said, "Mr. Brosius, if you are going to write to the Commissioner of Indian Affairs upon any matters concerning this reservation I will esteem it a favor if you will do so as promptly as possible, because I am winding up my investigation and I want to go away as soon as possible; I do not care to make two bites at a cherry;" and he promised that he would.

That, I believe, is the substance of all that is material in that conversation.

Senator DIXON. Mr. Dalby, you are a graduate of a law school, are you?

Mr. DALBY. Yes, sir.

Senator DIXON. What school?

Mr. DALBY. The National.

Senator DIXON. What year?

Mr. DALBY. 1901 and 1902; the bachelor degree in 1901 and master degree in 1902.

Senator DIXON. I want to ask Major McLaughlin whether or not he had any conversation with Mr. Sniffen at the time he started to the Crow Agency last January from Helena relative to his proposed visit there.

Mr. MCLAUGHLIN. Yes; I introduced Major Reynolds to Mr. Sniffen, I think, upon his arrival.

Senator DIXON. Did Mr. Sniffen at that time say to you, or in your presence, whether or not he wanted to make any investigation at that time?

Mr. MCLAUGHLIN. He talked of going; he told me his instructions from his association, from the executive committee, were to visit the Crow Reservation, and I told him I understood that Major Reynolds had arrived there that day and suggested that he remain until Mr. Reynolds could arrive.

Senator DIXON. In Helena?

Mr. McLAUGHLIN. In Helena; which he concluded to do. I introduced them, and saw them together for an hour or more sitting and discussing the matter, and Mr. Sniffen—in fact, from his remarks to me—said it was a very unpleasant piece of work for him, that he had to carry out his instructions, and he expected to have a telegram calling him back here, at least he hoped so.

Senator DIXON. Did he express a desire to make the investigation or merely to carry out his instructions?

Mr. McLAUGHLIN. He would simply carry out the instructions of the association.

(At this point the committee adjourned until to-morrow, April 9, 1908, at 9.30 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., April 9, 1908.

The committee met at 9.30 o'clock a. m.

Present: Senators Clapp (chairman), Gamble, Sutherland, Curtis, Dixon, Paynter, Brown, and Stone.

STATEMENT OF Z. LEWIS DALBY—Resumed.

The CHAIRMAN. Mr. Dalby, do you desire to make any further statement?

Mr. DALBY. Mr. Chairman, I looked over a portion of the testimony last night—I was not able to go over all of it—but in going over that portion of it I noticed a number of statements that were entirely inconsistent with the truth, and while I think the matter is of a pestiferous nature, and is not really worthy to be dignified by an answer, still, since it is a public record I shall be very glad to make detailed comments on it at some time when I have been able to complete my reading of the record.

In addition to that I would like to add to one answer that I made yesterday, which may not be perfectly clear. Mrs. Grey asked if I did not see Mr. Edwards and Mr. Bair and Mr. Heinrich at Crow Agency before going to Lodgegrass. I answered no. I will further say that I saw Mr. Edwards, when I returned from Lodgegrass He came to the agency on some business, I do not know what; he was interested in one of the stores there and perhaps that is what brought him—I do not know. But he called to see me and we chatted together for a couple of hours. That was, I think, on Friday after I had returned from Lodgegress. The first time I saw Mr. Heinrich was when I reached his camp in going around the reservation, which I think was on the 13th of June. The first time I saw Mr. Bair was when I was about to leave Pryor. He came to Pryor and we drove from there together down to Keyser and took the train there. That, I think, was the 23d of June.

That is all I wish to add just at the moment, and am now ready to answer any further questions that may be asked.

The CHAIRMAN. With regard to your suggestion of further time, I will say that this committee has been sitting for over a week. I do

not know how the other members of the committee may feel, but personally I would not feel like prolonging the sessions of the committee merely to meet what you may perhaps very correctly refer to as pestiferous accusations, but I think the committee would permit you to file any denials that you want to make.

Mr. DALBY. I beg your pardon, Mr. Chairman, These are not accusations against me, sir. As far as any accusations against myself are concerned I am absolutely unconcerned. I have submitted my report and I will stand upon it.

The CHAIRMAN. I understood you to say a few moments ago that you had partially examined the record and found some matters which you regarded perhaps as pestiferous, but after examining the record perhaps you would think they ought to be answered.

Mr. DALBY. Precisely; but they are not accusations against me. Some of them have been made against me, but it was not that element that concerned me, but merely a desire of getting the record in accordance with the truth. I do not ask that privilege; I merely suggest that I am ready to do that in the interest of the perfection of the record.

The CHAIRMAN. Can you do it now?

Mr. DALBY. No, sir; because I have not been able as yet to fully read the hearings.

The CHAIRMAN. I think the committee would probably be satisfied to allow you to file any denials that you saw fit before the publication of the report is concluded.

Mr. DALBY. I will waive all privilege of filing denials, sir. My report will stand. I am willing to be held responsible absolutely for that report and for all my work.

The CHAIRMAN. I do not think you understand me, Mr. Dalby. You intimated a little while ago that there might be some things that you wished to answer, and you had not as yet had time to fully go over the record and are not prepared now to answer these matters. I suggested that, while the committee might not be willing to continue its hearings merely for the purpose of receiving these answers, they could be made and filed, as they would naturally be in the nature of denials of what has been said here.

Mr. DALBY. I may have been misled by the use of the word "denial." I do not wish to deny any charges.

Mrs. GREY. I would like to have him put on record as saying that he was not in consultation with those three men all night, in the house of that artist who lives next to Mr. Bailey's house, the night before he came to Lodgegrass.

Mr. DALBY. I was not.

Mrs. GREY. On the 13th of June, when you met Mr. Heinrich at his camp—this was the time you counted the cattle; the time you spoke of in your report. It was on that ride.

Mr. DALBY. It was as I passed through Mr. Heinrich's range. I occupied more than that, though, in passing through Mr. Heinrich's range.

Senator DIXON. There is just one thing that occurs to me, and I suggest it for the reason that most of the committee have not heard Mr. Dalby's statement. You had no prejudice in making this investigation one way or the other, did you?

Mr. DALBY. No, sir; I may say in regard to that that if I was *prejudiced at all it* was in favor of Mrs. Grey.

Senator DIXON. When you first started in?

Mr. DALBY. When I first started in; because she impressed me in my conversations with her here as sincere, and I supposed if she really believed the things she told me that there must be considerable iniquity on the Crow Reservation; but, as I said yesterday, I began first to suspect her good faith in Sheridan. I was convinced of her bad faith during the meeting at Frank Gordon's. That is the only possibility of bias that I may have had, but I consciously held myself away from any bias.

Senator DIXON. But if you had any prejudice when you went there it was against the conditions?

Mr. DALBY. It would have been if there had been any.

Senator DIXON. I believe in politics you are a Democrat?

Mr. DALBY. I am, sir.

Senator DIXON. And there could have been no political prejudice involved in protecting the agent—that is, from any political standpoint?

Mr. DALBY. There was not.

The CHAIRMAN. Are you in the civil service?

Mr. DALBY. I am appointed by the President, and my appointment is subject to confirmation by the Senate. These positions are not subject to the civil-service law.

The CHAIRMAN. Mr. Secretary, is there anything that you desire to state this morning?

Secretary GARFIELD. Nothing further, Mr. Chairman. Mr. Dalby has gone over the records of the Department and will submit everything that the committee has called for, and something that Mrs. Grey asked for in other reports outside of general reports. Those are being copied and will be submitted.

Senator DIXON. One other thing. Mr. Dalby, you were at Helena during the grand jury investigation, were you?

Mr. DALBY. Yes, sir.

Senator DIXON. Did Mr. Brosius, the Indian Rights' Association agent, show up at Helena at the investigation?

Mr. DALBY. Not to my knowledge. It was said that he did not.

Senator DIXON. He had previously filed some charges with the Commissioner, had he not?

Mr. DALBY. Yes, sir.

Senator DIXON. Do you know why he did not come there to the hearing?

Mr. DALBY. I know why it was reported that he did not come.

Senator DIXON. But he did not appear before the grand jury?

Mr. DALBY. He did not.

The witness was thereupon excused.

Secretary GARFIELD. Mr. Chairman, I thought that the report of the grand jury had been offered and printed in the record, but I did not see it in looking over the record yesterday.

The CHAIRMAN. It has not been printed.

Secretary GARFIELD. I ask that that be printed.

Senator DIXON. I thought it had been. I presented it the first day of the hearing, but it does not appear to be printed.

The CHAIRMAN. It escaped my attention when it was presented, but it will be printed in the record.

Mr. SNIFFEN. Mr. Chairman, this is a copy that was furnished me by the clerk of the court.

Senator DIXON. The clerk of the court at Helena furnished you with this, did he, Mr. Sniffen?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. Did you examine it yourself?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. And this is a true copy?

Mr. SNIFFEN. I presume so; I did not compare it with the original, but the fact that I got it from the clerk would seem to carry verity with it.

Senator DIXON. You got it from Mr. Sproule, the clerk of the United States court?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. You offer this as an exhibit?

The CHAIRMAN. I would have it put in the record.

The paper referred to is marked "Exhibit M. K. S. No. 9," and is as follows:

EXHIBIT M. K. S. No. 9.

HELENA, MONT., *February 10, 1908.*

Hon. WILLIAM H. HUNT,
United States District Judge, Helena, Mont.:

In concluding its labors the grand jury which convened in this city December 4, 1907, desires to submit the following final report:

The result of our investigations into all matters presented by the United States district attorney, with the exception of charges relating to the Crow Reservation, has been transmitted to you through the regular channels, and we have now only to apprise you of our findings relative to the allegations made as to the manner in which affairs have been administered upon the Crow Indian Reservation.

In prosecuting our inquiries upon this subject we have scrupulously sought to extend the broadest possible scope to those who were in any manner whatsoever involved. Those responsible for giving publicity to the various charges have been afforded every possible opportunity for the presentation of evidence, while, on the other hand, we have sought to be equally fair and impartial in according a hearing to those who have been accused.

For some reason Mr. Brosius, the agent of the Indian Rights' Association, at whose instance the charges against the Indian agent of the Crow Reservation were presented to the grand jury, did not appear before us to establish any of the charges so presented by him, although assurances had been given that he would appear and testify before the grand jury, and we regard as reprehensible the conduct of Mr. Brosius in failing to appear before this body.

We have, we believe, given this matter the conscientious investigation which its importance merited, with the result that our final conclusion is that Major Reynolds and John K. Rankin have been fully and completely exonerated from the charges preferred against them.

We have been exceedingly anxious to thoroughly probe all the matters brought to our attention, although a great many of the matters inquired into were not entirely within our jurisdiction, for the reason that these charges were made by the Indian Rights' Association. The secretary of this association, Mr. Sniffin, having requested the privilege of appearing before the grand jury, he was accorded the privilege, and has been before us a number of times. We gave him and the witnesses whose names he suggested the widest latitude in presenting their evidence, and, after having listened patiently to everything they had to present, we have no hesitancy in saying that their charges and complaints against the agent or his administration of the affairs of the Crow Reservation are without foundation, and in this connection, with respect to the charges preferred against the agent personally, involving violations of the criminal laws of the United States, we wish to say that the evidence submitted with respect to such charges not only shows that there was no foundation for the charges, but it shows that these charges were wholly imaginary.

As for Mrs. Helen Pierce Grey, the lady charged by the Federal authorities with a violation of the statutes relative to the illegal securing of moneys from wards of the Government, the fact has been clearly established that the charges made by her were altogether visionary and entirely incapable of substantiation.

H. G. PICKETT, *Foreman of Grand Jury.*
T. J. JOHNS, *Clerk.*

Filed February 10, 1908. Geo. W. Sproule, clerk.

STATEMENT OF HON. FRANCIS E. LEUPP, COMMISSIONER OF INDIAN AFFAIRS—Resumed.

The CHAIRMAN. Mr. Commissioner, do you desire to make any further statement?

Commissioner LEUPP. Mr. Chairman, I can furnish the answers to two questions asked yesterday. One of them is in answer to a question by Senator Curtis as to the amount of the Crow tribal fund expended for irrigation, and the results. I would say that in round numbers $700,000 of Crow tribal funds have been expended in the irrigation and development of the Crow lands, and the Government has appropriated $56,500 more. To the best of my information now there are approximately 400 adult males on the reservation. We have no statistics in our office to show just how many farms in the reservation have been brought under ditch and are now worked by Indians or lessees, but I have taken some pains to get the information informally from the Crow delegation now here. There are 331, according to their account, of the Indians who are actually living on their allotments; and the total area under irrigation—which is another point in Senator Curtis's question—would foot up about 65,000 acres.

Senator DIXON. Of irrigated land?

Commissioner LEUPP. Yes, sir; irrigated land—land under ditch. In this connection I desire to submit the following list of allotments upon which houses and improvements are made, and upon which Indians are living and working their allotments, those upon which Indians are living being marked with an asterisk (*):

RENO.

James Laforge.
Big Man.
Dexter Williams.
Bull Younge.
Goes Ahead.
Falls down old.
Takes the Horse.
Charle Yarlot.
Old Bear.
Bear in the Middle.
Frank Shane.
Moon.*
Morris Shaffer.*
Jack Stewart.*
Charges Strong.*
Smokey or The other Medicine.*
Little Nest.*
Does Everything.*
Stops.*
The Door.*
Deer Nose.*
Blanket Bull.*
Albert Anderson.*
Bear in Cloud.
Jim Big Shoulder.*
On the Edge.*
Hoop on the Forehead.*
Elmer Takes the Wringle.*
Mrs. Medicine Tail.*
No Shimbone.*
Curley.
Fire Bear.
Chief Child.
Bear Goes to the other Ground.*
Dust.
Mrs. Spotted Tail.

List made out by representative of Reno district.

DAVID STEWART.

BLACK LODGE.

Holder White Wing.
Black Bird Woman.
Sees With His Ears.
David Daws.
Old Tobacco.
Felix Bear In Cloud.
Otto Bear In Cloud.
Victor Sings.
Sheep.
John T. House.
White Dog.
John Adams.
White Fox.
Pretty Paint.
Young Curlew.
Big Medicine.
Young Hairy Wolf.
Paul Hairy Wolf.
Louis Bompard.
Edward Ears Fire.
Thomas Medicine Horse.
Goes to Horses.
Percy Wolf.
Joseph Stewart.
Thomas Stewart.
Arthur White.
Comes Up Red.
New Bear.
Looks At Ground.
Two Woman.
Crooked Arm.
Three Irons.
Antelope Cap.
Takes Enemy.
Looks Back.
George H. Thomas.
The Other Bull.
Day Light.
Arapahoe.
White Man.
Howard Red Shirt.
Shows His Coos.
Buffalo.
Froze.
Little Iron.
Sidney Wolf.
Austin Stray Calf.
Two Leggins.
High Owl.
Eagle.
Old Horn.
Hugh Leider.

By

SEES WITH HIS EARS (his x mark).

Witness:
JAMES HILL.

LODGEGRASS DISTRICT.

Yellow Crane.*
Otter Chief.
Yellow Mule.
Knows His Coos.*
Hunts the Arrow.
Young Jack Rabbit.
Gros Ventre Horse.
Pretty Horse.
Eli Black Hawk.
Whinners.
Richard Cummins.*
One Goose.
Barney One Goose.*
Gros Ventre.
Left Hand.
White Man Runs.*
White Woman.*
Arm Around the Neck.*
Andrew Wallace.*
Yellow Tail.*
One Star.
James Carpenter.*
Covered Up.*
Two Whistles.
Not Afraid.*
Pretty on Top.*
Grandmothers Knife.
Three Foretop.*
Pipe That Talks.
Scratches His Face.
Packs a Hat.
Ben Spotted Horse.
Full Mouth.
George Pease.
White Hip.*
Bright Wing.*
Gun Shows.*
The Horn.
Moccasin Top.*
Gets Down Often.*
Prairie Gras Ventre.
Corner of the Mouth.*
Wolf Lays Down.
Shows As He Goes.*
Iron Horse.*
Bird Far Off.*
Bad Horse.*
Big Sheep.*
Don't Mix.*
Bad Man.*
Grasshopper.*
He Says.*
Inside the Mouth.
No Horse.*
George Hill.*
Robert Raise Up.*
Knows His Gun.*
Medicine Crow.*
Yellow Brow.*
White Arm.*
Walking Bird.*
Wolf House.
Bull Weasel.*
Don't Walk.*

LODGEGRASS DISTRICT—continued.

Scolds the Bear.*
Shows a Fish.*
Walks Over Ice.*
Flat Dog.
Flat Back.
Bank.*
Bear Claw.*
The Bread.*
Old Dog.
Black Eagle.*
Thomas Stewart.*
Clifford White Shirt.*
White Shirt.
William Steal Bear.*

List made up by Scolds The Bear representing the Lodgegrass district.

SCOLDS THE BEAR (his x mark).

Witness:
FRANK SHIVELY.

BIG HORN DISTRICT.

Spotted Rabbitt.*
Old Elk.
Bird Horse.*
Medicine Rock Above.*
He Does It.
Sings Pretty.*
Strong Heart.
Joe Horse Whip.
Cold Wind.
John Alden.
The Iron.*
Four Balls.
Bird Wellknown.*
Henry Reed.*
Shot In The Nose.*
Robt. Half.*
Kills.
Medicine Mane.*
Good Horse.*
Bull Horse.*
Holds the Enemy.*
Kills With His Brother-in-Law.
Phillip Iron Head.
Rides a Pretty Horse.*
Strong Enemy.*
Plenty Buffalo.*
Cyrus Pretty Man.*
Bull Don't Fall Down.*
Calf.
William Humphrey.*
Long Tail.*
Bird on Prairie.*
Real Bird.*
Big Porcupine.
Jacob Big Hair.
Walks.
Medicine Top.*
Skins the Wolf.
Bull Over the Hill.
Old Rabbit.*
Bird Above.*
Charges Five Times.*
Plain Owl.*
Takes the Gun No. 2.*
Ball.*
Does Anything.*
Finds and Kills Them.*
Dell Howe.*
Harry Scott.*
Broken Arrow.
Brass.
Red Wings.
Sharp Nose.*
Little Owl.*
Young Yellow Wolf.*
Wolf Looks Back.*
Medicine Shellbird.*
Horace Long Bear.
Eagle Turns Around
Among the Fog.
Ralph Saco.*
Sits Down Spotted.*
Mike Two Belly.
Josh Buffalo.
Jas. Buffalo.
Bird Wellknown No. 2.*
Xavier Flowre.
John Wallace.*
Dick Bushy Head.*
Charges Plenty.*
Old White Man.
Martin Scott.*
Dick Wallace.*
Mrs. Laura Greene.*

(Signed) CARL LEIDER.

PRYOR DISTRICT.

Elk.*
Goes Among Them.
Small.*
Turns Back.*
Fights Welknown.*
Bird all over the Ground.*
Child in the Mouth.*
Old Tail.*
Even.*
Bear over the hill or Swallow Bird.*
Foolish Man.*
The other Black Bird.*
The Crane.*
Pretty Coyote.*
Man with a Beard.*
Paints Himself Plenty.
Two White Birds.*
Male Bear.*

PRYOR DISTRICT—continued.

Bull Welknown.*
Bear Crane.*
Goes ahead Pretty.*
Old Crane.*
Cuts the Bears Ears.*
Push.*
Lion that Shows.*
Sticks himself on top of Head.*
Plenty Coos.*
Bird in the Morning.*
The Fog.*
Flat Lip.*
Shows a Little.*
Bell Rock.*
Chas. Bell Rock.
Old All The Time.
Yellow Crow.*
Old White Man.*
Stays In Fire.*
Yellow Face.*
Old Cayote.*
His Rocks Is Medicine.*
Gets Down.*
Crazy Crane.*
Young Swallow.*
Dick Hack.*
Hears Every Way.*
Hawk.*
Fights Welknown.
Henry Russell.*
Ghost Bear.
Shows In The Mountains.*
Runs Against His Enemy.
Chas. Clawson.*
Big Nose.*
Two Stinks.*
Stands On Top.
Hides.*
Plain Feather.*
Knows His Horse.*
Bull That Shows.*
Iron Thunder.
The Wet.*
Travels Welknown.*
Fettle Fire.*
Otter Bull.
Dog Bear.*
Coyote that Runs.*
Comes Up.*
Bull Snake.*
Balls.*
Bad Baby.*
Old Lodge Pole.
Grey Bull.*

Made up by PLENTY COOS.

Grain crop, 1907.

Big Horn	36,286
Pryor	12,300
Lodgegrass	11,206
Black Lodge	9,209
Reno	1,546
	70.547

Senator DIXON. You are somewhat familiar with the irrigation question in general, are you not, Mr. Commissioner?

Commissioner LEUPP. Very roughly.

Senator DIXON. What, if you know, is the average-size farm that a white man and his family can cultivate under irrigation?

Commissioner LEUPP. That differs in different parts of the country. I should say not more than 20 acres on this reservation.

Senator DIXON. Do you mean that that is the extent of land that one family can cultivate?

Commissioner LEUPP. That one family can use profitably for irrigation and cultivation under irrigation. We looked that matter up at the time I was considering the beet plan, with reference to showing how much we ought to keep out of each allotment for the Indian to cultivate himself.

Senator DIXON. And 20 acres was the amount?

Commissioner LEUPP. Twenty acres was the average fixed upon at that time, after consultation with our agricultural people.

Senator DIXON. On this reservation at this time there are allotted to the head of the family in irrigated land 80 acres, are there not?

Commissioner LEUPP. Yes, sir.

Senator DIXON. And 40 to his wife, additional?

Commissioner LEUPP. Yes, sir.

Senator DIXON. And 40 acres additional to each child. What is an average Indian family?

Commissioner LEUPP. I should say about four children, making six altogether in the family.

Senator DIXON. Then that would give an average of irrigated land already allotted to the Crow Indians of 280 acres of irrigated land?

Commissioner LEUPP. Yes, sir.

Senator DIXON. In addition to the irrigated land, there is also allotted to the Crows the difference between the number of irrigated acres and 160 acres?

Commissioner LEUPP. Yes, sir.

Senator DIXON. That would make, then, to a Crow husband, his wife and four children——

Commissioner LEUPP. The head of the family has 320 acres.

Senator DIXON. I did not know that. That would leave 240 acres of grazing land to the head of the family?

Commissioner LEUPP. Yes, sir.

Senator DIXON. Five one hundred and twenties, making 600. That would make 840?

Commissioner LEUPP. Yes, sir.

Senator DIXON. Then the average Crow family, of a man, wife, and four children, has allotted at this time 280 acres of irrigated land, and in addition 840 acres of nonirrigated land?

Commissioner LEUPP. That would be about right.

Senator DIXON. Making a total of 1,120 acres of land allotted to each average-sized Indian family?

Commissioner LEUPP. Yes, sir.

Senator DIXON. Do you think it is possible for the average Indian family to make profitable use of that number of acres of land by its own effort?

Commissioner LEUPP. Well, no; considering the irrigated land as a part of the proposition, I do not think they could make use of anything like what would come to the family. With regard to the grazing land, of course, they can make use of it, becanse that is almost limitless with Indians who are accustomed to stock raising.

Senator DIXON. The Government homestead unit under the Huntley ditch, on the ceded portion of the Crow Reservation, is 40 acres to a white family, is it not?

Commissioner LEUPP. I do not know; that comes under the Land or Reclamation Bureau.

Senator DIXON. I will ask the Secretary of the Interior whether or not that is correct.

Secretary GARFIELD. I think that is the complement.

Senator DIXON. That is all, unless the Commissioner has the record as to the discrepancy in the letting of the grazing privileges to a lower bidder, or it appears in the testimony somewhere.

Commissioner LEUPP. That I am prepared, also, Mr. Chairman, to state; but my copyists are at work now getting the copies out as we could not have the original records cut up in the printing office. I can state very briefly that the discrepancy was due to just the fact I imagined yesterday—that the Indians had themselves asked it. They sent on a delegation, consisting of Plenty Coos and one other man of

the older Indians, and a couple of Carlisle boys, I believe. I was out of town at the time, in the West, and, of course, only knew of it after I came back, but the record of the council was taken stenographically, with the petition of the Indians to the Secretary of the Interior. They took the ground that sheep were a great deal better animals to have in the pasture than cattle, because they were close herded and the Indian fences were not strong, and they asked particularly to have the award made for sheep rather than cattle. On the strength of that the recommendation of the agent—which was, I believe, that the highest bidder should have it—was overriden in the office. When I came back the matter was laid before me, but it had slipped my memory yesterday, except in a very rough way. I always make it a point, where practicable, to give the Indians the right to say what shall be done on their own land.

The CHAIRMAN. Is there anything further that you desire to state?

Commissioner LEUPP. Just one thing more, and perhaps it is a matter of no great importance—but I desire to say that throughout this controversy I have treated Mrs. Grey with the most perfect consideration that I could accord to any lady. My attention has been caught by this bit of question and answer on page 32 of the printed record of the investigation:

Senator PAYNTER. Did you specify these various charges against the management out there with the Commissioner of Indian Affairs?

Mrs. GREY. I tried to file them with him.

Senator PAYNTER. We could get the charges she made.

Mrs. GREY. When I came to give them to him, Mr. Conser told me that Mr. Leupp was indefinitely engaged, so I took the charges and went over to the President and left them with him. Mr. Dalby has them. I do not think there will be a bit of trouble in finding them.

I find that that follows up some other comments upon my not seeing her when she came back. I would say with regard to that, Mr. Chairman, that in my interview with Mrs. Grey, in which she made the assertion that I was involved in some of her charges, I declared that that ended the matter, and that I would not consider investigating these charges, but would ask the Secretary to do so. Immediately after that I turned over all the records of my office to her to examine freely, furnishing her a clerk and stenographer. I then went to New York to let contracts, and returned at the end of the week, and on Monday morning came down to the office only to find that I had to go back to New York. I sent out and bought my ticket for a train leaving at half past 3 or 4 in the afternoon. There was an enormous amount of correspondence on my desk which had to be got off, and I put in the entire day, sending out the same message to every person who called, that if it was a matter of life and death I could take some time away from this work, but that I was going to catch a train and had to ask to be excused. Mr. Conser told me afterwards, when I came out to take the train—he walked with me a little distance—that Mrs. Grey had said, in response to my message: "Very well, I will take this matter to the President;" that he had said, "You can leave these charges here," and she said, "No; I prefer not to."

That is all the recollection I have with regard to that occurrence, and I simply mention it here as a contribution of the same weight as the one given on page 32.

Mrs. GREY. That is almost exactly what happened, except that *Mr. Conser did not* make that explanation to me.

Commissioner LEUPP. He said he did; that is, of course, all I can go by.

On page 50 of the printed record I find again the following:

On a letter signed by the President, being presented by me to Mr. Leupp, he became violently angry and called me a "meddler."

Senator PAYNTER. Who did that?

Mrs. GREY. Mr. Leupp.

Senator SUTHERLAND. The Commissioner of Indian Affairs?

Mrs. GREY. The Commissioner of Indian Affairs, when I went to him; but he finally agreed to allow me access to the Crow papers, I to make a statement of the charges the Indians wished to make, not making these charges myself, but merely as foundation, as he asked, upon which he could make an investigation. The statement, you will see, shows this.

Now, so far from becoming "violently angry" and calling Mrs. Grey a "meddler," I at once began to interrogate her as to the charges she had to make. The one question I can recall as having been even raised in connection with it was that at one point, where she was giving me some information with respect to the troubles of the Crows, I asked her, "Mrs. Grey, who gives you this information?" She said, "I get it from the Indians." Then I said to her, "Are you familiar with Indians?" I understood her to say that she had never had anything to do with them until that spring. I said, "Well, I have been for twenty years dealing with Indians at close range, and I have yet a great deal to learn as to how far to take their testimony unsupported by that of other people; there are certain lines on which I believe an Indian implicitly, and there are certain others on which I require additional evidence." That was the one point I recall in which I differed with her, except when she said to me that I was involved in some scandal. I have forgotten just what expression she used, but it was something like: "You are in this, Mr. Leupp, up to your ears." And then I said, "That ends it, Mrs. Grey; I can not even consider investigating it myself."

If you wish any further testimony as to the facts, Mr. Valentine, my secretary, is here, and may be heard. I have not asked him a question about it; I am perfectly willing to put him on the stand at any time if the committee so wishes and to let him state whether I flew into any rage or became violently angry. I would be ashamed almost to ask it of the committee, who probably individually know what my relations with the President are; I should never think of getting angry on personal grounds, aside from official, with anybody coming with a message from him.

The CHAIRMAN. Did you say to Mrs. Grey at that time: "I have a great mind to send you and your letter back to the President?"

Commissioner LEUPP. No, sir; nor anything of the sort. I wish to put that emphatically on the record.

Senator DIXON. Mr. Chairman, here is a question of veracity, and as the Commissioner's secretary is present, I suggest that we swear him.

STATEMENT OF ROBERT G. VALENTINE.

ROBERT G. VALENTINE, having been first duly sworn by the chairman, testified as follows:

The CHAIRMAN. What is your age?

Mr. VALENTINE. Thirty-five.

The CHAIRMAN. What is your residence?

Mr. VALENTINE. Holliston, Mass.

The CHAIRMAN. What is your occupation?

Mr. VALENTINE. I am secretary to the Commissioner of Indian Affairs.

The CHAIRMAN. You have been in this room this morning, have you?

Mr. VALENTINE. Yes, sir.

The CHAIRMAN. And heard the Commissioner's statement that he made this morning?

Mr. VALENTINE. Yes, sir.

The CHAIRMAN. State whether you were present at the interview between the Commissioner of Indian Affairs and Mrs. Grey.

Mr. VALENTINE. I was present at a large part of it, possibly all, but I do not recall as to that.

The CHAIRMAN. Has your attention been called to the statement of Mrs. Grey that the Commissioner became angry, and even angry at the President, and stated that he had it in mind to send her and her letter back?

Mr. VALENTINE. Yes, sir; I have just heard what Mr. Leupp said.

The CHAIRMAN. Now, you may go on and state what you did see and hear and observe on the part of the Commissioner at that interview.

Mr. VALENTINE. Mrs. Grey called at the Office while the Commissioner was out and came into the room and sat down there and waited until his return. He came in, as I remember it, very busy, but as soon as I told him that this was Mrs. Grey and that she had a letter from Secretary Loeb, he immediately asked her to come over and sit down and inquired of her what she had to say, and she told him I was busy with some work of my own, and simply heard the high points of their conversation; but I remember that after talking with him a short time she said something like this: "Why, you know, Mr. Leupp, that I had some hesitation in coming to you at all." I think she said: "You are involved in this." I think "involved" was the word she used. Of course that attracted my attention, and Mr. Leupp immediately—I do not remember, but I think—asked her in what way. Then he took the ground at once—I do not remember his exact words—that if that was the case it was a matter for the Secretary, and he would be entirely agreeable to that. That is briefly the gist of it; but I would like to add that any sign of temper on his part or any such statement as was just made here by Mrs. Grey, as far as I know and recall, is absolutely without foundation in fact.

Mrs. GREY. There were high points in the conversation?

The CHAIRMAN. Just a moment, Mrs. Grey. You may state, Mr. Valentine, whether you observed anything in his language or demeanor that was unbecoming a gentleman in discussing a question with a lady?

Mr. VALENTINE. Absolutely nothing, sir.

The CHAIRMAN. You stated that you observed some high points in the conversation, or made some remark similar to that. What did you refer to?

Mr. VALENTINE. Those were more because of some let-up in my own work, so that I happened to hear what was going on, than of any emphasis in the conversation between Mr. Leupp and Mrs. Grey.

The CHAIRMAN. Did you hear Mr. Leupp call Mrs. Grey or refer to her as a meddler in that conversation?

Mr. VALENTINE. I did not. On the contrary, I remember noticing that Mrs. Grey showed a rather strange lack of knowledge about

inherited Indian lands. She seemed to be quite hazy. Mr. Leupp took a great deal of pains to find out just what she did mean and just wherein her misunderstanding in respect to inherited lands lay.

The CHAIRMAN. That is all.

(The witness was thereupon excused.)

Commissioner LEUPP. I will simply say, in addition to what I have said, that not only did I never say anything of that kind to Mrs. Grey, but that I never called a single human being, who came to me with a plaint of an Indian, a meddler—never in my life. On the contrary, I have always welcomed everything that would give me an opportunity to correct errors on the part of our field or office force.

Mrs. GREY. In your letter to me about going back on the reservation——

Commissioner LEUPP. I have that letter right here [exhibiting the letter].

Mrs. GREY. In that letter you use these words:

> I do not know what you refer to as the reaction of the Indians' charges upon themselves in the "customary manner." The only reaction of which I have any knowledge is in the case of an Indian who makes false statements; and my practice with him is to always make him feel the unwisdom of that line of conduct as sharply as I try to make the white man appreciate the consequences of the same course on his part.

The word "white" is underlined. That is the foundation of the whole of this trouble.

Commissioner LEUPP. I am perfectly ready to leave that issue with the committee—whether I should not treat an Indian like a white man when it comes to telling the truth. It has been my policy from beginning to end, and I am ready to stand or fall by it.

The CHAIRMAN. That letter may be received in evidence.

(The letter referred to is a part of "Exhibit F. E. L. No. 6," p. 596.)

ADDITIONAL STATEMENT OF MATTHEW K. SNIFFEN.

The CHAIRMAN. Mr. Sniffen, do you desire to make any additional statement?

Mr. SNIFFEN. Yes sir; a brief one.

The CHAIRMAN. You may proceed.

Mr. SNIFFEN. It was brought out in the testimony of Mr. McLaughlin yesterday in a partial reference to some of our conversation in which it was made to appear that I was very anxious to go home, or it would have the effect, at any rate, of tending to discredit my mission to Montana. I told Major McLaughlin and Mr. Reynolds very frankly why I was sent there; that I wanted to go to the reservation and get all the facts that were obtainable, and I even asked Mr. Reynolds if he would not give me such a list of names of people that he thought I ought to see so that I could get any information from those people that would certainly be friendly to him, in addition to the names of other Indians whom I had secured. What I wanted, and what our committee wanted, was to know whether there was any truth in the statement or to show that there was no foundation for them. I think he will admit, and Major McLaughlin will admit also, that my intentions were made perfectly clear. I did not intend to hold a council, but it was to go around quietly among the Indians and get statements from them, and then, as I have said,

those other people whom Major Reynolds might mention. I did nothing at all about going home. In fact, I did not meet any one there who did not have the same feeling, that things were drifting along and they would all be glad to go home at the first opportunity. I said I would wire our committee the situation—that is, that Major McLaughlin had refused to consent to my going on the reservation—that I would wire our committee, and that I would not be sorry if they should send me word to come home. It is so easy to have misunderstandings arise as to what actually did take place in conversation, and under those circumstances, when I visited the Crow Agency, I thought, as a matter of precaution—knowing that something of this very nature might come up—that it was much better for me to have that matter put in documentary form, and I have this letter from Mr. Miller, which I think makes the matter clear. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 24, 1908.

Mr. MATTHEW K. SNIFFEN,
Indian Rights Association, Crow Agency, Mont.

SIR: In view of your now being upon the reservation with the expressed determination of investigating matters relating thereto, after having been refused an order to do so by the Hon. Frank S. Dietrich, judge of the Federal court, and also having been refused permission to do so by Agent Reynolds, I have the honor to advise you that you are under arrest and you are directed to leave the reservation at your earliest convenience. My action being directed under orders from Agent Reynolds.

Very respectfully,

FRED E. MILLER, *Clerk.*

Now, I think that no matter what difference of opinion might arise as to arguments or conversations that are repeated here, the fact is perfectly clear that I endeavored to get access to the reservations. The Secretary was informed of my going, and he acknowledged receipt of the letter and raised no objection. I presume, from the fact that he has not disavowed the action of Agent Reynolds, that he approved it. Am I right, Mr. Secretary?

Secretary GARFIELD. The records will show exactly what my action has been in the matter.

Mr. SNIFFEN. I referred to these surface indications, and it seems to me that this is one of them—the effort to discredit the people who have thought to make any inquiry regarding it. I do not charge the Secretary with this, but I would call his attention to the fact that in the record of our hearing with him on the 30th of October, the reference which he made to Mrs. Grey as an adventuress, does not appear there. She came out when there was a lull, and you said to the stenographer, "You need not take this down, Miss Markoe," and she asked what you knew about Mrs. Grey, and it was then that you said something to the effect that you thought she was an adventuress, or something like that. That does not appear in the record.

I think, Mr. Chairman, that is all.

Senator DIXON. I would like to ask one or two questions. Mr. Brosius has for some time been the field agent of the Indian Rights Association, has he not?

Mr. SNIFFEN. The Washington agent, it is called.

Senator DIXON. Mr. Brosius was the person who filed the charges with the Indian Office, was he not, against the conduct of affairs of the Crow Reservation?

Mr. SNIFFEN. It was filed in the way of a memorandum, the information that had come to me regarding conditions alleged to exist on the reservation.

Senator DIXON. How did he acquire his information as to this?

Mr. SNIFFEN. He acquired his information by seeing a number of the Indians on the borders of the reservation.

Senator DIXON. When?

Mr. SNIFFEN. I think in July.

Senator DIXON. At the time that Dalby was there?

Mr. SNIFFEN. Yes, sir.

Senator DIXON. Did Mr. Brosius appear before the grand jury at Helena?

Mr. SNIFFEN. No, sir.

Senator DIXON. Why did he not?

Mr. SNIFFEN. He started for there, but he felt before he reached Montana that there were certain questions that might cause him to be liable to a suit for libel for personal damages, and that before going into the State it would be better for him to return and have a consultation with our committee.

Senator DIXON. Well, he was cognizant of the charges that he had filed with the Department, was he not?

Mr. SNIFFEN. Yes, sir; he wrote it; he ought to be.

Senator DIXON. Why should he not have gone to Helena and aided in the investigation before the grand jury?

Mr. SNIFFEN. I can not answer that.

Senator DIXON. You said he was afraid of a libel suit?

Mr. SNIFFEN. One of our lawyers told him that unless he had positive proof of that he left himself open to a damage suit for libel.

Senator SUTHERLAND. Do you mean positive proof of these charges before the Secretary?

Mr. SNIFFEN. That he filed with the Commissioner; yes—if they were made public. He did not make them public, and I want to go on record in opposition to the statement in that report of the grand jury that we filed those charges with that party. We had nothing to do with it.

Senator DIXON. They were filed with the grand jury, you see.

Mr. SNIFFEN. Yes, sir; they were brought to the attention of Judge Hunt, I believe, and he turned them over to the grand jury.

Senator DIXON. Did the grand jury indicate a willingness to hear Mr. Brosius, or ask him to come?

Mr. SNIFFEN. I do not know whether the grand jury formally made any request that he come, but he had a telegram from P. J. Walsh, asking that he be sent.

Senator DIXON. Did the grand jury give Mr. Brosius assurance that he would not be arrested if he should come to Helena?

Mr. SNIFFEN. The grand jury did not; no, sir.

Senator DIXON. Did anyone?

Mr. SNIFFEN. No, sir; not that I am aware of.

Senator DIXON. The grand jury's report, a portion of it, reads as follows:

For some time Mr. Brosius, the agent of the Indian Rights Association, at whose instances the charges against the Indian agents of the Crow Reservation were presented to the grand jury, did not appear before us and establish any of the charges presented by him, although the assurance had been given that he would appear and testify before the grand jury.

Who had assured the grand jury, if you know, that he would appear?

Mr. SNIFFEN. I did not. I presume it was Mr. Walsh.

Senator DIXON (reading):

We regard as reprehensible the conduct of Mr. Brosius in failing to appear before this body.

It was on account of this suit?

Mr. SNIFFEN. A civil suit; yes, sir.

Senator SUTHERLAND. Let me understand this matter. On account of what charges was that?

Mr. SNIFFEN. It was the memorandum or statement of information which had been turned over to the Department as a basis upon which an Indian investigation could be made.

Senator SUTHERLAND. Before the grand jury?

Mr. SNIFFEN. No, sir; through the regular channels.

Senator SUTHERLAND. He was advised that charges made in that way might be made the basis of a libel suit?

Mr. SNIFFEN. If they were made public, like any publicity through the press, for instance. If he made the positive statement, for instance, that Mr. Bair, who had a permit to run, say, 35,000 sheep, had been exceeding that number two or three times, it was felt that if he had no proof to back up his assertions, and they were made public through the press, that he would be open to a civil suit on the part of Mr. Bair.

Senator SUTHERLAND. Well, how could he anticipate that they would be made public through the press by his going before the grand jury and testifying?

Mr. SNIFFEN. That I do not know.

Senator SUTHERLAND. That was a secret investigation, was it not?

Mr. SNIFFEN. Yes, sir.

Secretary GARFIELD. Mr. Chairman, I regret to have to say anything more about this matter, but in view of the comment made by Mr. Sniffen with respect to this statement that I called Mrs. Grey an adventuress, I would like to say just one word. I desire to add only this: I have steadfastly declined to consider in this whole matter any question involving Mrs. Grey's private character. It is a matter with which I have never had any concern, and it is no part of this investigation. I see, in looking through the testimony, that there have been harsh things alleged; I have heard harsh things myself said for and against both sides of this controversy. I have dismissed it all from my consideration. There has been discussion at different times with members of the Indian Rights Association regarding Mrs. Grey and other people. They are matters that are not subject to discussion here, being no part of, and having no relevancy to, this investigation, and I can only repeat that I have declined and still decline to discuss Mrs. Grey's private character.

Mr. SNIFFEN. Mr. Chairman, my recollection of that is corroborated by three members of our committee who were present on that occasion.

ADDITIONAL STATEMENT OF MRS. HELEN PIERCE GREY.

The CHAIRMAN. Mrs. Grey, do you desire to make any additional statement?

Mrs. GREY. Yes, sir; I do. I will begin with Mr. Dalby's report, which is supposed to be a reply to my statement of charges filed with

the President. I will not go into it with any itemized denial, but I will call Mr. E. L. Dana, of Parkman, Wyo., the principal leaser on Crow Reservation, and a man of the highest standing in the district, who is a brother-in-law of General Aleshire, to whom reference has been made, for substantiation.

The CHAIRMAN. In quoting Mr. Dana do you quote him in statements made to you?

Mrs. GREY. In statements that he made to me repeatedly, and made before the grand jury and before. He stayed three days and told me that he had absolutely established that Frank Henry could not be running less than 10,000 head of cattle on that reservation that he knew personally had been driven in from the Parkman end of this reservation. The reservation comes down to Parkman. I will give you Mr. Dana's address and his surroundings and circumstances. I think Mr. Leupp will readily recall who he is. I will show that he, in company with several other of the ranchers around there, had this copy of the report which I have used here, and they sat up all night long, because they could only have the report a short time, and he only had one copy of it, and their indignation was so great, at this report, that it was decided——

The CHAIRMAN. Now, Mrs. Grey, in the interest of simplification, where you speak of other witnesses, it would be well if you would take the pains to state whether or not the statements to which you refer were made in your presence.

Mrs. GREY. Mr. Dana told me this when we were in Helena. Mr. Dana was practically an absolute stranger to me; I had never seen him until I was at Parkman after my arrest and he told me he had never heard of me, although it is in evidence here that though I was living 20 miles away for a number of months, and was supposed to be going around agitating the Indians, Mr. Dalby said in his report that it took three days to go 30 miles, and he never heard of me although two of his cowboys were living at the same house that I was. Mr. Dalby did not ask me for any information whatsoever, although I had seen him where I was staying and was willing to give him any information that he wanted. John Booze, who is running cattle on the same ranch, has been there for fourteen years. He is associated with men like Mr. Arnold, of the First National Bank, and Mr. Walsh. Mr. Jack Walsh has a ranch just outside, and he is president of the First National Bank of Sheridan. It is one of the best ranches up there. John Booze is a cattleman running on this reservation. He sent word to Mr. Dalby that he would be glad to point out a number of irregularities in the Henry lease; that he had at one time himself taken Mr. Henry's cattle to Chicago; he had been foreman of his ranch, and he could give me a great deal of information. Mr. Dalby's report was a blanket order for Mr. Booze to take his cattle off the reservation at his earliest convenience, and Mr. Booze did it, although he had a standing offer there that he would pay as much in six months as Mr. Henry has paid, according to Mr. Dalby's report, in eight years for very much less land. Mr. Booze's address is Ewing, Mont. He is a member of the Basin Cattle Company, of which Mr. Arnold, of the First National Bank of Billings, is the other partner. In his report of this matter Mr. Dalby quotes no one absolutely, excepting Mr. Henry and Carl Leider, as his informants, on which to base his report. He says in his report that he did not deem it necessary to make an

investigation and he did not make an investigation of the Henry cattle. I refer to his report which is offered in evidence.

Carl Leider at this time, according to this report, was the agent of the Henry Cattle Company. The records will show that he was drawing $75 a month as boss herder of the Crow Indian herd; that there was no Crow Indian herd. Mr. Dana, who had a round-up going on at this time, told me that he sent Mr. Reynolds word that he would like to have him send somebody to attend the branding of the calves, and Mr. Arnold replied in writing—which letter can be furnished—that he had no one to send. I know that Mr. Heisham's round-up was going up just back of Gordon's, and his informant said send somebody. Mr. Dalby's reply was that he had no one to send.

Senator SUTHERLAND. Did you not go over most of this matter in your original testimony?

Mrs. GREY. I am just summing up the report.

Senator SUTHERLAND. But you have spoken of two or three things that you testified to before.

Mrs. GREY. It has been denied, and I am giving my reference.

He did not investgate the school except by talking over matters with the employees. He did not investigate Mr. Edwards. His investigation of the Lincoln Townsite Company developed nothing but the fact that this company is an exceedingly poor business institution, by paying sometimes four times too much for the same piece of land, or else there is some ulterior motive somewhere.

He makes no denial that Carl Rankin, a Government employee, whose name appears on the maps used by these Indians, is a Government employee. I happen to notice that he is advertised in the Billings Gazette as the agent of the Lincoln Townsite Company and gives his address at the same time as Crow Agency. He was living there in a Government house. My prophecy as to a future irrigation project for these lands made in my statements is borne out by the fact that Charles Bair has a prospectus for putting water on these lands at $30 an acre; that the dissenting settlers referred to had a bid from Engineer Shepard for $6.75 for the same work; that Shepard could not get the authority to take the contract; that Bair could; that a collusion has been formed to put the water in for $16.75. I think Senator Dixon says this is the same subject that he referred to in his report.

Senator DIXON. But these are settlers; they are not Government wards.

Mrs. GREY. These are the settlers off the reservation who have taken in the Indian lands.

Senator DIXON. That is something that the Government would have nothing to do with.

Mrs. GREY. I was referring to something that I said in my statement about the Lincoln Townsite Company acquiring land there for the sake of an irrigation project that they had in view.

Senator DIXON. But the evidence shows that the Lincoln Townsite Company did not acquire agricultural lands there.

Mrs. GREY. I have not seen that in the evidence.

Senator DIXON. That they only purchased five tracts of the town site at Hardin.

Mrs. GREY. If you will refer to my statement, you will find that I said the members of this town-site company and those associated

with them in such a way that the town-site company could control the land and develop it as soon as they got control of the land. I have only my own notes of his statement of yesterday. In his statement Mr. Dalby gives as one cause of my arrest the gathering of the Indians at Lodgegrass; that he did not know it was the time of the annual dance for which all the Crows had permission to dance at Lodgegrass. The Lodgegrass district is about 3 miles distant from where I was staying. On page 80 of his sworn statement in the hearing, already referred to before the Secretary of the Interior—which I think is to go in evidence—he said this: "The 30th was one of their regular dancing times." They were dancing all over the reservation and collecting for this dance. He says, "I let them dance that night because I had deprived them of the opportunity at the regular time." The second sentence corroborates my statement that the Indians, in order to be in town for the appointment with them which he had made, had omitted their annual medicine dances to be there in time, and yet Mr. Dalby in his statement continually dwells upon the fact of how much time we had been occupying. I will say that I had worked at this town for thirty-six hours without sleep; we had almost nothing to eat there, and I was simply in a state of collapse. That was the reason I did not know what was going on Saturday. On page 81 of the same hearing before the Secretary he says, "They have dismissed you from the case, as I notified you in writing this morning." In his statement yesterday he said he made a careful memorandum of my banishment, giving it to Alexander Upshaw.

Now, it is a fact that immediately after this time, within a month, say, Alexander Upshaw, who at this time had been considered on the reservation by Mr. Reynolds as a worthless man, was elected to come to Washington at this time. I have not the slightest doubt that he was drunk somewhere between here and Crow Agency. He got drunk at Billings, and they had to hunt him up again. He was cut off at Piegan Reservation for being drunk and having whisky on the reservation. I will say that this man was given an appointment under Mr. Curtis for some kind of Indian work; I do not know just the nature of it.

Senator DIXON. You do not mean Senator Curtis?

Mrs. GREY. I do not mean Senator Curtis.

Senator CURTIS. I was going to suggest that you give his initials.

Mrs. GREY. I do not mean Senator Curtis; I mean through Mr. Dalby. This was the photographer. I know Mr. Upshaw was given this job at $100 a month, and he was going around to the different reservations.

Senator CURTIS. This Mr. Curtis is an artist, is he not?

Mrs. GREY. Yes.

Senator DIXON. The Government has nothing to do with whom Mr. Curtis employs.

Mrs. GREY. No; but I mean to say that, through the influence of Mr. Dalby, Mr. Upshaw, for his work during those two or three days, was given this appointment. You will find that Rides White Hip Horse was another man who was very much in favor of the things that the Crow Indian Lodge wants. You will find that before Mr. Dalby arrested me he went on a trip out to White Hip Horse's and tried to put in a ditch for him. He also promised to put him a

ditch where the water would run uphill for Dominick Stephens. He also says that he was in conversation with Mrs. Cooper, and he was in financial conversation with her. The fact is that he made her a great many offers on condition that she would leave Joe Cooper and make me all the trouble she could.

Senator DIXON. Who made these offers?

Mrs. GREY. Mr. Dalby, in his statement yesterday. I am referring to Mr. Dalby's statement of yesterday.

Senator DIXON. He made Mrs. Joe Cooper offers if she would leave Joe?

Mrs. GREY. Yes, sir; he made her a number of offers.

Senator DIXON. What kind of offers?

Mrs. GREY. He told her that her husband was no account, and if she would leave him and get a divorce from him and name me as co-respondent, he would build her a house and see that she had everything she wanted.

Senator DIXON. You do not mean to intimate that Mr. Dalby had any matrimonial intentions himself, in that line, do you?

Mrs. GREY. I do not know. If you will read his general reports upon the morality of the Indian girls, you may think, perhaps, that he had. I do not know.

Senator STONE. Do I understand you to say that he made that statement that you have just repeated here?

Mrs. GREY. I do not know which one you mean.

Senator STONE. I mean the one about Cooper's wife, that Dalby made the statement that he had made such an offer?

Mrs. GREY. No, not that——

Mr. DALBY. Mr. Chairman, may I rise to a question of personal privilege?

The CHAIRMAN. When Mrs. Grey gets through, you will have an opportunity to reply.

Mr. DALBY. A question of personal privilege, if it is in order, would be in order at any time.

The CHAIRMAN. Yes, but I had Mrs. Grey observe the same rule.

Mrs. GREY. Joe Cooper is here, and you can call him to testify. When I came to this meeting on Sunday morning, at which he arrested me, his own evidence will show that I asked, "What is this?" I had no more idea that he was going to arrest me than I have that I shall be arrested when I leave this room. I never dreamed of any such thing until I saw the force that he had brought there to arrest me. He had the carriage of White Arms; that was standing at the door when I went in. I did not go in with Joe Cooper; I went to that meeting for the purpose of keeping an agreement which I had made on Thursday at this council. This was Sunday morning when I came there, and I was prepared to begin my statements and never dreamed that that was what was to occur. I had been out on the hill by myself and had not seen the Indians and knew nothing of what was going on, and I went in to keep the engagement with Mr. Dalby which he had made. I had no notice in any way, shape, or manner, except as I was going into the door Alec Upshaw said, "You will have to leave the reservation." Leo Good Luck was with him. As to Mr. Dalby saying that there was any show of force, I admit that Mr. Dalby was afraid. When he came up to Gordons he insulted all the Indians by showing continually that he was doing a very brave deed by being

there alone and by sending those people away. Mr. Dalby I admit was afraid, and he has very good reason to be afraid, for if he ever goes back to Crow Reservation they will remember his statement with respect to the immorality of their women. Those women are not immoral, and they are exceedingly indignant. I had two guns of those Indians all the time they were in Helena. They came there saying that they expected to kill Mr. Dalby for making that statement, just as any white man would do, and there were white men in that town who could—that no jury would convict them if they did kill him. As for the show of force, it was I who prevented it, and Mr. Dalby was very glad to have me there to prevent the force. Mr. Dalby ordered me shut up in a cold room where there was no fire nor furniture. Scolds the Bear came to me after Mr. Dalby had gotten out of the way, and said, "Me sorry;" he said his sister had been there and asked me to come out into the other room, and they made me comfortable. One Star came to me and went over to the camp, and when he could not find the books he went to Mr. Dalby and told him he had them. He knew perfectly well what was going on. They were coming to me continually, and he wanted me to use my force. There was no doubt whatsoever that Mr. Dalby was afraid, and when he speaks of my needing an escort he knows that it was only he himself who needed the escort. I never have needed one, and would not at any time now.

He said he arrested me because I was trying to incite violence, and yet he can not for the life of him show one single instance where I used at any time any violence or mentioned one Indian whom I influenced in any way, shape, or manner to commit any violence. He makes the statement that up at Gordons I was trying to deceive the Indians, and he was convinced of my bad faith, and when it comes down to it he can not name any one specific statement that I made that was not true. He long notes; he is a stenographer, and that was when the Indians objected to it. They said, "Don't write anything down; we have come here to get acquainted with you;" and they objected to his taking notes; but he did take full notes, and he must have those notes in his possession now.

That he did not know what my object was I freely admit. There are two words that Mr. Dalby does not know—they are not in his dictionary. Those two words are "noblesse oblige." He does not understand it and can not understand it.

Major McLaughlin told me here in this room when I met him here that Mr. Dalby had said that he did not arrest me until after he had found out that he could not disprove any of my charges. I fully agree with what Mr. Dalby said. That was the real truth there. He has made three different statements as to why he arrested me at this time. Mr. Dalby is perfectly right. He had been in consultation with these men at the agency; he had been at no place else. You will see from his testimony that he had not met the Indians; the headmen were all here at this time, and he had not met them, because he said I refused to introduce them to him. He had not met them; he had been around fishing with Mr. Reynolds, and he had been over to the dance. He said that he had been around enjoying himself and looking at the records in the agency office. I never doubted that those records would be absolutely straight. Mr. Reynolds was a bank cashier and is a good bookkeeper, I have no doubt. He never

made any reference to those records. If Mr. Dalby will put on file a letter that I wrote him at this time, and which he speaks of, he will see that I took that matter up with him very carefully. I said: "The Indians are coming to me all the time saying that you are just a common inspector, just like all the inspectors here; if you continue to associate so intimately with those men we will not talk to you. Now I beg of you, leave these Indians and come over to the mission." I told him that the Jesuits there had a good school, and they could make him perfectly comfortable. I said: "Come away from these people; either go there by yourself, or I will go." I wanted to go. I had the permission to go over to see these dances, and I very much wanted to go, and asked him permission to go, and he refused it, and then I said, "You go." If he will put that letter in evidence, it will show the whole thing. He produces the letters that are against me, but when there is one letter in my favor it can not be found.

He uses Plenty Coos' supposed order to me to leave the reservation as the basis by which he excluded me. Now, I do not know what threat or what force was used upon Plenty Coos; I do not know what occurred that day, but I assume that because I was not there, you will find out that Mr. Dalby did use some kind of Federal force upon Chief Plenty Coos at his house when he went to Pryor, and it is a fact, which I think Mr. Reynolds admitted, that another Indian was selected by the Department to take Chief Plenty Coos' place. He was deposed. At the same time he uses the authority of this man to put me off of the reservation and to depose him for saying it, because Chief Plenty Coos told Mr. Dalby that at his leisure he could leave the reservation, and he did do it. Plenty Coos told me that a number of times when we were in councils at Gordons and so did all the other Indians.

Now, we come to the grand jury. In speaking of that, Mr. Dalby says that he had some conversation with Mr. Johns as to his report before that report was made public. It is a fact that Bair, Edwards, Reynolds, Dalby, Heinrich, Mr. Morrill, the president of the Lincoln Townsite Company, and Major Logan were openly eating and drinking at the Weiss Café and at the Grandon Hotel with the members of the grand jury. It was an open scandal in Helena at this time. I refer you to Mr. Dana who was living at the hotel, Harry Thompson, and my attorney, Mr. C. B. Nolan. This same Major Logan is the man who has got that $200,000 in the beet-sugar proposition, and Mr. Nolan would like very much to find out his record in these affairs. So I refer you to him.

Now, as to the character of these men, Mr. Johns, I will say, was a member of the grand jury. He was very much in authority in the grand jury; he was secretary of the grand jury; and gave his address as Billings; that when I went back to Billings, I have as good an authority as Sheriff Webb and Under Sheriff Hubbard that he had no residence in Billings. I asked Mr. Johns, who was there at this time, where he did live, and he gave me an address that he gave to Sheriff Webb; he gave a number, and it was down on the railroad track; there was no house there; that he had lived last at Red Lodge; that he is now editing a paper at Forsythe, and here is his editorial on this subject. You see it is a signed editorial. Here is the Forsythe Journal, and the statement is too filthy to read. I will simply ask that it be put in evidence.

The CHAIRMAN. It will be put in evidence.

The paper referred to is as follows:

[Forsyth Journal, Wednesday, March 18, 1908.]

HELEN IS THE LIMIT.

According to a recent issue of the Helena Independent, Madam Helen Pierce Grey, an alleged journalist of the female persuasion, who sometime ago won for herself a most unenviable notoriety by making a number of ridiculous charges against officials of the Crow Indian Agency, is now in Philadelphia for the purpose of uncorking her troubles before the Indian Rights Association, an organization embracing in its membership a motley collection of long-haired men and short-haired women.

The dizzy Helen is a pippin when it comes to working an elastic imagination overtime, and when it is up to the dissemination of hot air she's easily got the average hop fiend backed off the boards. Romancing is her long suit and when working at this she's got Ananias skinned to a frazzle. Only yellow-backed literature is to be found in her library, and her gray matter cells are clogged with Hearst headlines. Her gentle soul revels in raising hades with her fellow-men, and her especial mission on earth seems to be the dealing of misery to those unfortunate mortals who forget to pungle up. Her luxurious tastes inspire her with an insatiate yearning for the mazuma, and in pursuit of this few officials or public men are immune from her vitriolic pen. A dangerous character to be given access to the columns of the public prints, no reputable journal should give publicity to her hysterical and insane vaporings.

In transferring the scene of her operations to Philadelphia the fair-minded people of Montana will not only feel duly grateful, but they will unite in the hope that she may never come back. The Indian Rights Association is more than welcome to the absent Helen and the peculiar talents with which she is endowed, and if they wish to continue the lady in her spectacular career they might turn her loose on the gentleman accused of looting the Pennsylvania State treasury in connection with furnishing the new capitol building. So far as Montana is concerned, her usefulness is entirely ended, for since the falsity of her reservation charges has been so conclusively established not even a Crow Indian could be expected to accord her a pleasant look.

The charges preferred against the officials of the Crow Reservation by Mrs. Grey were, after a most searching and scrupulous investigation, completely refuted and disproved. The lady was extended the privilege of subpœnaing every witness whose testimony she desired and the Indians, from whom she professed to expect the most hearty support in the campaign she was waging, without exception discredited her. Some twenty-five or more of the most intelligent and representative of the reservation Indians were called to testify before the grand jury which conducted the investigation and they joined unanimously in protesting aginst the agitation originated by Mrs. Grey, everyone of them expressing the belief that her ideas, if accepted and adopted, would work incalculable detriment to the Indians.

In Philadelphia the festive Mrs. Grey is being chaperoned and assisted by Matthew K. Sniffen, secretary of the Indian Rights Association. Mr. Sniffen came to Helena while the investigation was in progress, being sent there by his organization after the failure of Mr. Brosius, the general field agent of the association, to come to Montana to prosecute the charges against Major Reynolds which he had filed with the grand jury. It was understood at the time that the field agent did not appear in the State because of his fear that he would be arrested and punished for a crime which it was alleged he had committed. Sniffen proved himself a typical example of the unsophisticated easterner of the sissy-boy variety. He made himself an insufferable nuisance to the grand jury and annoyed the Federal officials to the point of desperation. Oftimes he sought to usurp the prerogatives of both the presiding judge and the United States district attorney, and he had no hesitancy whatever in issuing instructions and directions to the individual members of the grand jury. Inflated with an exaggerated idea as to the importance of his position, he was, more than anything else, laughably ridiculous. Scarcely able to distinguish an Indian from a saddle-colored negro, he had the audacity and assurance to ask the grand jury to authorize and empower him to go to the reservation as their representative and make an official investigation. Very naturally and properly the gentleman's request was refused, but the frisky Sniffen was much provoked at the rejection of his proposition. Then he journeyed down to the reservation on his own responsibility and was placed under nominal arrest, not being taken into custody. Within a day or two, however, he reappeared in the capital city, much to the disgust and chagrin of a number of grand jurymen

who had hoped that he might at least be kept in jail until they had an opportunity to make their escape from Helena.

Sniffen was the fair-haired boy, all right, but he wasn't one, two, three at anything else.

As to his ability to write the report that is here, I submit a letter, one of four that I received from this man, in his determined efforts to get me away from my home and to some place where he could do something, I have no idea what, but he did at one time try to poison me in one of the cafés there. I am not stating this as my own word, for I can give the evidence of Mrs. Norris, with whom I lived, and of other women in the house.

Senator DIXON. Is this Mr. Johns the secretary of the grand jury?

Mrs. GREY. Yes, sir; he was secretary of the grand jury. I submit the following letter.

The CHAIRMAN. The letter will be received in evidence.

The letter is as follows:

HELENA, MONT., *January 22, 1908.*

Mrs. HELEN P. GREY, *City.*

MY DEAR MRS. GREY: I trust you will pardon my presumption in expressing a wish to see you, but I would regard an interview with yourself as an unqualified pleasure. Should you permit it I should not care to call at your residence (as to do so might not be advisable under existing conditions), but perhaps you may be able to suggest some suitable place of meeting—perhaps the city library. However, any place and hour you might designate would be entirely acceptable to me.

Very respectfully,

A FRIEND.

Mrs. GREY. This man is one of the most disreputable scoundrels in Montana. There are four of those letters. You will observe that Mr. Dalby admits that he was in very close conversation with this man with regard to the report which was made by this grand jury, which I maintain is absolutely and wholly false, before that report was made public.

I say that there was absolutely no investigation by this grand jury which has been made public. There were a great many things brought out there. The United States district attorney did not interview a single prosecuting witness; not one. When Mr. Dana came to testify, he said that he would speak freely and openly on condition that Carl Rasch was withdrawn from the jury, and he did. He was removed from the grand jury, and Mr. Dana stayed there three days before those men. Now he must have had something to say.

Senator DIXON. Why do you say that this letter addressed to you was from Mr. Johns, who was secretary of the grand jury?

Mrs. GREY. That is from Mr. Johns.

Senator DIXON. There is no name signed to it.

Mrs. GREY. No; he is not the kind of a man who would sign his name to anything, but I do not think he will deny it; if he does, I can very readily identify it, because it was brought there by a messenger, and there was one man in town, a very prominent man, who has an office there, who when he found that this letter came to me, whenever I went out afterwards, followed me, or had somebody follow me. He said that there was such a show of force that he did not consider it safe for me to go about. There is not the slightest doubt where that letter came from.

No investigation was permitted by the district attorney. They did not call a single witness that I wanted. Those Indians who came

there did not come because I had called them at all; they came because Chief Plenty Coos, when he came from Pryor district, was afraid to trust Alexander Upshaw, Mr. Dalby's chosen interpreter at this time. There was a letter put before the grand jury which was read to Plenty Coos when he was in my room and which was taken to the foreman of the grand jury by Arnold Costo, Strikes, Hides, Wet, and Plenty Coos, and it is a fact that Plenty Coos absolutely refused to speak at any time when Arnold was not there. He would not in any way say anything or trust himself to Alexander Upshaw. At the same time when it was brought to Mr. Dalby's attention that Arnold Costo had acted as interpreter there, and that he at a number of times prevented Alexander Upshaw from misinterpreting, that in the payment the payments should be divided between the two; he refused to do that; Alexander Upshaw received $5 a day for his services as interpreter and Arnold Costo received nothing. Right here I will say too that those Indians who were down at the hotel all together Mr. Reynolds continually sent down money to be divided among them. On one Saturday night there was $40 sent. The Indians came and said to me: "It is pretty hard for us, who are decent Indians and can not have a cent, while these other fellows have all they want." I asked Smoky, who was a personal friend of Mr. Reynolds, and who is carried as an irregular employee, and who said he had $7,000 of dead allotment money, (Smoky is a negro; he does not belong to the tribe, and as far as anybody knows he has not a relative in the world), where he got his dead allotment money, and I think it would be a subject for investigation, because he has no one from whom he could inherit. He has no farm, simply living there as Mr. Reynolds's servant, and I will say here that as to the confidence that these Indians had in me at the time of this grand jury session, that the Indians at Pryor wanted to send some money to the Indians who had come from Pryor—as far as I know I had never seen or spoken to one of them, excepting to Plenty Coos, and they did not know me personally, except by my reputation among the Indians, and yet they sent the money for those Indians to me by Adams Express Company in my own name. The Indians did not know that I had it, and in the letter they said they were afraid if it went through the post-office it would fall into Mr. Reynolds's hands, and the Indians would not get it until too late. For that evidence I can refer you to Mr. Sniffen, who saw the Indians come over to get it; Plenty Coos, who saw me get the money and saw me give it to Mr. Arnold, and make an explanation.

Then, again, there is one thing in addition that I think should be investigated, and that is I believe that the allotments were made to these Crow Indians by the act of 1882. Under the old treaty of 1868, by which they were allotted, and could get land along the creeks, I believe that those allotments were canceled before the John Rankin allotment, which explains the reason that as intelligent a man as Frank Gordon, who is allotted up on the Little Horn, says he does not know where his allotments are. I have heard a number of Indians say that, and I believe the allotments have been changed. I think the whole allotment was canceled partly, and partly not, in order to diminish the number of irrigated acres each Indian had. I may be mistaken, but I think that is so from what I have heard here, and that the patents were canceled, and that in some way the matter came up

before the Senate in the Indian bill which Senator Heyburn brought out as being done in Idaho or Utah—somewhere out West, anyway. I believe that same thing has been done with the Crow Reservation.

There is also one thing more that I desire to refer to, and that is as to the conditions now on the reservation. I think it will be a very, very serious matter if some action is not taken by this committee. I have the promise, the personal promise, of most of these Indians that they will not resort to any force, and I have made these promises to them, that if they can get a just, fair hearing, matters on the reservation, as they exist, and as these Indians know they have no right to be, will be put an end to, and they will be treated like human beings.

Now, I say that this is the last hope these Indians have—this Congressional investigation. It is the third investigation I have gone through for these Indians, and I say that unless something is done here you may look, not for an outbreak, but for a number of secret murders on that reservation. It is not fair, and it is not right. These men know they have rights, and the rights are denied them. They are arrested and thrown into jail, and as for the opening of the reservation, Senator Dixon, you will find that these are reasonable, honorable men, and if you will give them any show or explain to them their financial condition at this present time, which they have the right to know, because these men are citizens, and their land is just as much their land as this is yours, and they have just as much right to be answered in this petition that I brought to the President for a statement of their financial condition as you have. I think if you show them that financial statement and show them, not here, but on the reservation, how their lands are, and how it is that those gentlemen get the money from this land, I think you will find some very reasonable Indians there who would be very glad to join you in some attempt to free themselves of this slavery in which they are now.

Senator PAYNTER. Did you explain in your testimony this morning the circumstances under which Mr. Dalby had you arrested? You made some reference to it after I came in the room.

Mrs. GREY. I did not go into it in any detail; it has been so long. I will be very glad to do so if you wish it.

Senator PAYNTER. I do not care about any extended statement; but did you not state here the other day—or some one else did—that Mr. Dalby invited you to come to a place where you were at the time you were arrested?

Mrs. GREY. His letter will show, and Secretary Garfield in his statement bore me out in the same thing, that I was there trying to help him make his investigation, and that they knew or that they believed that those Indians trusted me; that they had been intimidated to such an extent that they would not talk to any inspector or any stranger, and that I could be of material assistance to them.

Senator PAYNTER. Did you say you had called there for the purpose of aiding in the investigation?

Mrs. GREY. I had gone to this tent in pursuance of a positive command of Mr. Dalby at the time of this long council, that I would be there early Sunday morning ready to go to work, and I went there ready to go to work. I had my statement all prepared to begin selecting the Indians who were there, thinking that I would make our beginning there, and by the time we were through there I would have time to bring those who had come from a distance.

Senator PAYNTER. So you were really there, then, by his invitation?

Mrs. GREY. Not by his invitation but by his command, and he had given me no notice in the meantime.

Sentor PAYNTER. How long after you appeared there was it that you were arrested?

Mrs. GREY. It occurred immediately. When I went into the tent—Mr. Dalby will agree with me in this statement—he said that I said, "What does this mean?" Here was the carriage and here were the policemen.

Senator PAYNTER. You were simply endeavoring to enable Mr. Dalby to investigate the charges which you had brought against the management of the agency?

Mrs. GREY. That was what I was doing, and I will say right here that this was a great nuisance to me.

Senator PAYNTER. Was that the arrest that resulted in your imprisonment for three months at Helena?

Mrs. GREY. No; that was the arrest that resulted in my being turned off the reservation, and out of that grew the other charges I was not arrested immediately, because the grand jury was in session, and they knew quite well if I were taken before the grand jury I could not be held.

Senator PAYNTER. Was that the first time you were arrested?

Mrs. GREY. That was the fourth time.

Senator PAYNTER. Then your subsequent arrest, as a result of which you were placed in the jail at Helena——

Mrs. GREY. I was arrested on my way to New York. Oh, I had been in the neighborhoood for a long time. Mr. Dalby states in his report that the case against me was complete at the time Secretary Garfield was there in Helena. Secretary Garfield states that he knew I was there. They all knew I was there.

Senator PAYNTER. Do you mean when you say "there," in jail?

Mrs. GREY. In Billings before I was arrested. That was the time I should have been arrested; the case was complete against me; Secretary Garfield had taken it up with Judge Hunt and Mr. Rasch at this time. Mr. Dalby states in his report that the reason I was not arrested was because I was not within the jurisdiction of the court. I did not go to Wyoming until the 1st of July.

Senator PAYNTER. How long before you were arrested and put in jail after Mr. Dalby had ordered you off the reservation?

Mrs. GREY. I think about six weeks.

Senator PAYNTER. Was Mr. Dalby still on the reservation at the time?

Mrs. GREY. He was still on the reservation.

Senator PAYNTER. I do not remember the date of the letter from Secretary Garfield to Big Medicine and others, to which he referred yesterday, sent to those Indians while you were in jail.

Mrs. GREY. No, sir; there were other letters——

Senator PAYNTER. I am speaking now about the one.

Secretary GARFIELD. There was but one letter.

Mrs. GREY. It was not; it was sent after I had been put off the reservation.

Senator PAYNTER. And before you were arrested and put in jail?

Mrs. GREY. Yes, sir.

Senator PAYNTER. Was that letter sent to these various parties while Mr. Dalby was there investigating?

Mrs. GREY. Yes, sir; Mr. Dalby, I understand, caused it to be read in the different districts, and a copy of the letter was given to the different Indians and they carried it around.

Senator PAYNTER. This investigation, as I understand, was suggested by yourself?

Mrs. GREY. Yes, sir.

Senator PAYNTER. And you were there to aid in the prosecution of the investigation?

Mrs. GREY. I was there, as Secretary Garfield knows.

Senator PAYNTER. And while that was going on the Secretary wrote the letter to which he made reference yesterday?

Mrs. GREY. Yes, sir; he did, and also sent the telegrams to the newspapers.

Senator PAYNTER. I am not asking you about that.

Secretary GARFIELD. I sent no telegrams to newspapers.

Mrs. GREY. Did you not speak of sending a telegram to Mr. Noyes and to the Omaha Bee?

Secretary GARFIELD. I did not not.

Mrs. GREY. Well, somebody did.

Secretary GARFIELD. Please do not attribute things that are in your mind that other people did to me.

Senator PAYNTER. You said that you had been arrested five times?

Mrs. GREY. Six times.

Senator PAYNTER. Have you stated the alleged cause for each of those arrests? If you have not done so, I wish you would do it in a succinct way, not going into detail as to what the charges were.

Mrs. GREY. I was arrested the first time at Gordon's on Sunday morning following my reading of Mr. Leupp's report on the beet-sugar business, at the Crow Indian Lodge, at Pretty-on-Top's, to which lodge meeting Mr. Reynolds had been invited, only 3 miles away at the time. No other reason was given and no papers were served on me of any kind.

Senator PAYNTER. I wish you would state the circumstances of the next occasion as briefly as you have done in this case.

Mrs. GREY. The second time I was arrested at Frank Gordon's by Mr. Reynolds, Fred Miller, Mr. Campbell, Scolds The Bear, and One Star, for—what did Mr. Reynolds say yesterday? He gave the real reasons, I think, for creating a disturbance at this time in holding councils. Mr. Reynolds, when I questioned him, said I had been on the reservation three days. The council to which he referred was five or six Indians who met me at Wyola with a carriage and took me over to Gordon's, that being the nearest place for me to go to get there, and he arrested me when he knew I had the written permission of Commissioner Leupp to be there, saying that he did not want to see the permit, and that it did not make any difference anyway. I was taken over to the agency, and that was the time they tried to make out that I was insane. The next day I was released, that is, the next morning, on a telegram signed by Mr. Larrabee, Acting Commissioner. The third time was by Mr. Dalby at the time I came to the tent at his command, as already stated.

Senator CURTIS. Now, that third time you were put off the reservation, were you not?

Mrs. GREY. Yes, sir.

Senator CURTIS. Mr. Dalby said you had tried to break up that meeting.

Senator PAYNTER. Senator Curtis, if you will allow me, I would like to get some concise information right along at this point, and then you may ask your question, if you will pardon me.

Senator CURTIS. Just one question. Did you try to break up that meeting?

Mrs. GREY. Absolutely not; I refer to Mr. Dalby's own statement yesterday that when I came into the tent the first thing I said was "What does this mean?" I had no more idea of being arrested when I went there than I have of being arrested now. I had no notice, and did not know anything of what had occurred. I had been at this time 3 miles away, and had not seen any of the Indians. I had been out on the hills by myself all the day before getting these charges in shape. There was no show of violence on my part. I do think that Mr. Dalby was afraid, and I do think he had reason to be afraid at this time. I do think if it had not been for the Indians coming to me and my sending word back that I was not afraid, that they could not do anything to me, that there would have been trouble, and I think when Mr. Dalby said that I dared him to arrest me he means that the Indians on the day before said that he had no right to arrest me, that it was their land, and they had asked me to be there, and I was there at their request, and in their employ. I think that is where the threat came in. There was nothing of that kind that came up; there was no opportunity given because he rushed right in with all these officers, and the first thing I knew Scolds The Bear had one arm and One Star had the other, and it was done with the intention of intimidating those Indians. His officers were all around. There was no opportunity for me to make any show of violence; if I had there would have been a riot right there. You can get Joe Cooper to say the same thing.

Senator PAYNTER. You say Mr. Dalby was present when these Indians seized you in the manner you have described?

Mrs. GREY. Yes, sir.

Senator PAYNTER. Did these Indians go there with Mr. Dalby?

Mrs. GREY. They came there with him, at his order.

Senator PAYNTER. Now, go ahead and tell about the other arrests.

Mrs. GREY. That was the 4th. The 5th was when I got off the train at Billings on my way to New York. I was coming East. I had a very good opening and was coming East expecting to join my son when he came from school. It was at this time that I had to change trains at Billings; the train was late, and when I got off at the station Chief Talgo said to me, "I have a warrant to hold you." I was arrested and taken over to the station agent at the station. The warrant on which I was arrested I did not see, and do not know just what it was. They attempted to give me a preliminary hearing, at which they said I was arrested for returning to the reservation without permission. I was held until those people got there on $300 bail, which my attorney said he would not allow me to put up, that it was too frivolous a charge. I went to the Grand Hotel with Mr. Tyrrell, one of the detectives. At 10 minutes after 1, when those people got there on the train that night—they came up on the freight train—I was arrested and taken to the jail. Under Sheriff Hubbard, who

came to make the arrest, apologized for taking me out at that time of the night, and said he would not please them enough to put me in jail. He vacated his room and put me in there. The next morning they filed these charges against me of taking this money from the Indians without the consent of the Secretary of the Interior. The principal evidence they produced was contained in the letter I had given Mr. Dalby when I was in Washington referring to the $100 sent. I was given a hearing and bound over to the grand jury. The stenographic report of that hearing I offer in evidence. I do not think you will find the shadow of a single thing by which any one could be held at any time. It has been in the hands of some of the best lawyers in the United States, and it is one of the best pieces of evidence I can offer against the attitude of the Department of Mr. Carl Rasch, the district attorney.

Senator PAYNTER. You have gone over that before. Were you subsequently arrested?

Mrs. GREY. No, Senator, that is six times. But on the night after I had left Helena, I left immediately after I was released from the charges before the grand jury, I came down to Billings; Mr. Sniffen was with me. This Lucy Old Horn was in jail on a three months sentence, I found out. I had to change trains there anyhow, and I stopped off and went over to find out what she was in jail for, and I stayed there with her getting her affidavit and trying to have an attorney, Mr. William E. Johnson, who was going to take the case, get her out, but he found that it had to go to another district—there was no court there, and it had to go to the Federal district over at Lodge Grass, and it would take three or four months to do it, and the court was not in session, and it was not worth while to try it. I was getting ready to leave and Sheriff Webbs came to me and said "Mrs. Grey, Mr. Edwards has been following you around through Billings ever since you have been here." I did not know Mr. Edwards by sight. He said: "There is a collection of what we call the gang at the Northern Hotel, and I beg of you to get out of town to-night before something serious happens to you." I took the 11 o'clock train that night. Mr. Sniffen was there, and he saw the show of force that was made.

Senator PAYNTER. What do you mean by "the gang?"

Mrs. GREY. I mean Mr. Edwards, Mr. Bair, Mr. Henry, and all of those people.

Senator PAYNTER. People connected with the agency as employees?

Mrs. GREY. No, sir; they are not employees; they are this gang of men who are looting the reservation.

Senator PAYNTER. Men who have stock on the reservation?

Mrs. GREY. They have stock on the reservation, and have these inherited lands. I am quite certain that Mr. Bair has taken up homesteads down there and has his sheep occupying those homesteads.

Senator PAYNTER. Those were the people?

Mrs. GREY. Yes, sir; they were the people.

Senator PAYNTER. Were you tried before any commissioner or any court on any of those charges made against you, except the grand jury investigation at Helena?

Mrs. GREY. I was taken before Judge Mann, and this stenographic report is the only trial I had.

Senator GAMBLE. That was a preliminary hearing, was it?

Mrs. GREY. Yes, sir.

Senator PAYNTER. Were you bound over to the grand jury at that time?

Mrs. GREY. Yes, sir.

Senator PAYNTER. That resulted in your going to Helena and appearing before the grand jury?

Mrs. GREY. Yes, sir.

Senator PAYNTER. Were you tried on any of those other charges, except that one?

Mrs. GREY. No, sir.

Senator PAYNTER. And that was the charge of receiving money from the Indians?

Mrs. GREY. Yes, sir.

Senator PAYNTER. I believe you stated that you had advised the Department that you had collected the money?

Mrs. GREY. When I was here in Washington the matter came up that they were going to make the investigation, and it was suggested to me very properly that if I published the story that I had it would interfere with the investigation; as Mr. Dalby put it, it would "flush the bird before they were ready to shoot." On that suggestion I let my own interests go, as they knew that I had had this money, and I stated at the time that I had. Mr. Dalby was in my room over at the St. James Hotel when I had just received this letter with $100. It was an express order. That made the $410 that I had altogether. I opened the letter and showed him the express order, and he took the letter and read it, and said "These are pretty shrewd Indians; I would like to have this letter to show what intelligent Indians you have out there." That was the letter that was the basis of the charges against me. It was the most dishonorable act that I think anybody could conceive of.

Senator DIXON. There was a suggestion the other day, I think, Mrs. Grey, in the early part of these hearings, in which some insinuation was made regarding Senator Carter, and that I understand you now wish to withdraw. Is that the understanding?

The CHAIRMAN. You said it was common rumor that Senator Carter was interested.

Mrs. GREY. In Mr. Bair's sheep?

The CHAIRMAN. Yes.

Mrs. GREY. Why, I will say that of my own knowledge I do not know whether he is or not. Current report is all I know.

The CHAIRMAN. You have no knowledge upon the subject, as I understand, and make no complaint based upon personal knowledge?

Mrs. GREY. I have no personal knowledge. I do not even know Senator Carter to speak to him.

Senator PAYNTER. You do not wish it to appear before this committee that you were making any such charges?

Mrs. GREY. None whatever. What I did say in this connection was that there was some very strong power protecting these people on the reservation; that there is something on the Crow Reservation that all of this power is brought out to protect.

That is all I care to say.

The witness was thereupon excused.

ADDITIONAL STATEMENT OF Z. LEWIS DALBY.

The CHAIRMAN. Mr. Dalby, you may proceed.

Mr. DALBY. The reason I interrupted, Mr. Chairman, in the way I did and suggested the question of personal privilege was that I would have preferred to keep that matter out of the record—that is, the question of Mrs. Grey's personal character. It has frequently been mentioned in my presence. It was frequently mentioned while I was on Crow Reservation, and whenever it was mentioned I refused to allow the question to be discussed. I stated that it was too easy to make charges of this kind against a woman, and she was at too great a disadvantage. It was impossible either to prove or to disprove such charges, and I would not permit them to be raised before me; that they were no part of the investigation. The question was raised at the meeting at Lodgegrass; she stated there that I had been at the agency and had been listening to all sorts of stories about her, and alleged that as a reason for not wanting to come to the agency. I assured her and the Indians then exactly what I have stated to you. That has been my conduct consistently throughout the reservation.

Senator STONE. Who was it that wanted to raise this question, the Indians or other people?

Mr. DALBY. There were a number. I prefer not to give their names unless you press me.

Senator STONE. I do not care anything about it.

Mr. DALBY. I am prepared to do so.

Senator DIXON. I do not think we had better put in charges or insinuations against Mrs. Grey's character.

Mrs. GREY. I have given all the names, and I wish you would do it.

Senator DIXON. I make the suggestion for your own sake, Mrs. Grey.

Mrs. GREY. It has gone all through the country, from one end to the other. I have traced it from San Francisco to New York, everywhere I have been.

Senator DIXON. I do not think it ought to be incorporated in a Congressional report.

Mrs. GREY. If he has any charges, and can give the name of any reputable man in the United States who can make charges against me, I want them to be put into the record.

Senator DIXON. He expressly said that he would not do it when he was there.

Mrs. GREY. He infers that he can, and if he can I want him to do it.

Senator DIXON. No; he does not.

Senator PAYNTER. Was there anything in Mrs. Grey's statement to invite this suggestion from Mr. Dalby?

The CHAIRMAN. I do not think there was, and I want it to go into the record that having made this suggestion, in my humble judgment, he ought to give the names.

Senator PAYNTER. My idea about it is that if Mrs. Grey has not said anything that would invite this statement from Mr. Dalby it is just as reprehensible for him to make it before this committee as it was to do so out there.

Mr. DALBY. As soon as that question began to arise I arose to a question of personal privilege before this committee for the purpose,

as Senator Dixon has pointed out, of preventing this from going into a public record, but Mrs. Grey proceeded. She was permitted to proceed and she made aspersions upon my character, and I was proceeding to make a statement in reply to that. I do not wish to make any charges against Mrs. Grey. I have not made any charges against Mrs. Grey in regard to her personal character. As I just stated, I have never even permitted that subject to be discussed before me.

Senator STONE. Mr. Chairman, I beg to say that where a charge is brought as this is against the administration of the public Government, as being dishonestly done, or corruptly done, etc., the character of the witness who makes the charge is open to investigation, and Mrs. Grey does not seek to shield him herself.

Mrs. GREY. On the contrary.

Senator STONE. If she has any bad reputation I want to know it—that is, anything that affects her credibility.

Mrs. GREY. Senator Clapp has known my father for a good many years, and I think he has known of me.

The CHAIRMAN. Senator Stone, on the direct statement of Mrs. Grey, as I recall it, she stated that either Mr. Dalby or Mr. Reynolds tried to get a woman out there to bring a divorce suit.

Mrs. GREY. Yes; Mrs. Cooper.

The CHAIRMAN. And to make Mrs. Grey co-respondent.

Senator DIXON. And that Dalby offered to build Mrs. Joe Cooper a house in the event she got a divorce.

Senator STONE. I think he ought to be heard on that.

Senator PAYNTER. On that charge. What induced me to make the observation was that I thought it was upon the idea that possibly Mrs. Grey had said nothing with reference to her character in a way that would invite the statement that Mr. Dalby has just made, and I thought if she had not done so that it ought not to go into the record; it is no part of it, and ought not to appear in the record, anything to the effect that people had made charges or aspersions upon her character.

Senator DIXON. That was my opinion, but what Mr. Dalby is trying to do is to explain her charge.

Senator PAYNTER. I think that it is perfectly proper for him to do so, and if Mrs. Grey has no objection I have none, I am sure.

Mrs. GREY. I want it done. Joe Cooper is here. This is a matter that was taken up last winter. I do not know what he will say, but he is here and I would like to have you call him.

The CHAIRMAN. You may proceed, Mr. Dalby.

Senator SUTHERLAND. I suggest, Mr. Chairman, that Mr. Dalby ought to confine himself to a reply to the statement which Mrs. Grey herself made—that is, with reference to the conversation between himself and Mrs. Cooper which she alleges occurred.

The CHAIRMAN. I quite agree with you, but I confess my inability in my experience here to limit those things along those lines.

Senator SUTHERLAND. In other words, I do not think it tends to elucidate that question to have Mr. Dalby talk about counter charges against Mrs. Grey. I think he should stop at that point, and all that he has said about what people may say to show that her character was bad ought to be eliminated from the record, or, if Mrs. Grey wants it, then he ought to state the charge.

Mrs. GREY. I have tried every time anything of that kind has come out to ascertain just exactly where those charges did start. They must have started somewhere, and I want to know where.

The CHAIRMAN. You may proceed.

Mr. DALBY. In reply to what the Senator said with regard to going into this matter, I would like to say that I differ with him on that point because I do not regard that Mrs. Grey's moral character affects her credibility. I did go into matters that affected her credibility as a witness, and I stated yesterday that I satisfied myself that she was not a credible witness, and so acted.

In regard to what Senator Sutherland has said about my exploiting this matter, I wish to call attention to the fact that the publications to which Mrs. Grey alludes will be found in the Billings Inquirer, which she says she wrote.

I see that there is a newspaper reporter present. Is it within the competency of the committee to ask that gentleman not to make any reference to this particular matter?

The CHAIRMAN. No, sir; this is a public investigation, at the end of which there can be no charges truthfully made that there has been any suppression of any matter which any person wanted to bring before this committee.

Mr. DALBY. Very well, sir.

The CHAIRMAN. The press has understood during the entire hearing that they were welcome to be here and receive the evidence.

Mr. DALBY. Very well, Mr. Chairman. Mrs. Grey stated that I notified Mrs. Joe Cooper or that I endeavored to induce her to leave her husband, and that I suggested that she name me as co-respondent in a suit for divorce, and offered to provide her with a house and with certain other benefits in consideration of her leaving her husband.

Senator DIXON. You mean to name Mrs. Grey as co-respondent, not yourself. You have it on the record as naming you.

Mr. DALBY. That was what Mrs. Grey said.

The CHAIRMAN. You were stating it in the first person.

Mr. DALBY. No; I beg your pardon. She said to name me as co-respondent, and that is the way she published it.

Mrs. GREY. I beg pardon, that was not the way I meant to say it at all.

Mr. DALBY. It was published in the Billings Inquirer.

Senator SUTHERLAND. She said very distinctly that you said to Mrs. Cooper that she should bring the suit and name her as co-respondent.

Senator DIXON. Yes, sir; bring the suit against Joe Cooper for divorce and name Mrs. Grey as co-respondent.

Mr. DALBY. I will explain. You will see that I stated it the other way because I had seen her statement in the Billings Inquirer, to name me, Mr. Dalby, as co-respondent.

The CHAIRMAN. Did you ever hear of a divorce case brought by a woman where the man was named as co-respondent.

Mr. DALBY. My connection with Mrs. Cooper was the one that was alluded to there. I remember the publication.

The CHAIRMAN. You may proceed with your statement. What she stated very plainly, and the committee so understood, was that you wanted Mrs. Cooper to bring a divorce suit and name her, Mrs. Grey, as co-respondent.

Mr. DALBY. Well, then, if that is the case, Mr. Chairman, it removes, as you suggested, Senator, the necessity for my statement very largely. I merely wish to deny that I had any such interview with Mrs. Cooper, and if, in view of the matter, the committee will leave this out of the record, I shall be very glad to have it done, for there is no reflection on me in that connection. I had no such interview at any time with Mrs. Cooper. Now, I have a wife and I have three children, and I have some pride in my moral character and I am ready to defend it, whoever attacks it.

Senator DIXON. Did you try to get Mrs. Joe Cooper to get a divorce from Joe?

Mr. DALBY. I did not, sir.

Senator DIXON. Did you ever insinuate to Mrs. Joe Cooper that Mrs. Grey should be named as co-respondent in her suit against Joe?

Mr. DALBY. I did not, sir.

Senator DIXON. Did you ever promise Mrs. Joe Cooper to build a house for her in the event she got a divorce from Joe and separated herself from him.

Mr. DALBY. Not in that connection. I explained yesterday that I talked with both Mrs. Cooper and Joe and tried to get Joe to go and build a house, and I said that he should have all the proper assistance that I could give him from the agency in building this house, so that he could take care of his family.

Senator STONE. Well, did you ever have any talk of any kind with Mrs. Cooper about a divorce from her husband?

Mr. DALBY. I do not remember even mentioning the subject. I had heard that Mrs. Cooper had contemplated being divorced, and for that reason the subject may have been mentioned. I will not be positive about that, but I did not discuss it.

Senator SUTHERLAND. Did you ever have any talk with Mrs. Cooper in which you in any way challenged Mrs. Grey's character?

Mr. DALBY. I did not, absolutely.

Senator PAYNTER. Did you ever talk with Mrs. Cooper with relation to her contemplated divorce from her husband at all?

Mr. DALBY. I think that question was covered in my answer just now. I can not be positive because I know the subject had been mentioned, and it may have been alluded to, but I say I did not discuss it.

Senator PANYTER. In her presence?

Mr. DALBY. The mention that I refer to was not in her presence.

Senator PAYNTER. Did you ever hear anyone discussing that subject with Mrs. Cooper in your presence?

Mr. DALBY. No, sir.

Senator PAYNTER. And you have no recollection of ever talking with Mrs. Cooper about it at all?

Mr. DALBY. I have none whatever.

The CHAIRMAN. Is there anything further that you desire to state?

Mr. DALBY. I was waiting for a question.

I wish to make a statement in reply to something that Mr. Sniffen has said. He alluded to his going to the Crow Reservation. Before Mr. Sniffen went to the Crow Reservation he had some conversation with Mr. Reynolds, to which he alludes. Mr. Reynolds reported to me that Mr. Sniffen said that if Reynolds would give him permission to go he would observe any restrictions which Reynolds might impose

upon him, and would return by the next train; that all he wanted was to be able to telegraph his people that he had obeyed their instructions and had gone to the reservation. He said that he hoped they would then call him back home. I judged that the purpose of going to the reservation was really to put the Department in a false position. I did not believe that Mr. Sniffen should be permitted to make an independent investigation upon the Crow Reservation. I believed that he should be prevented from making such an investigation, but I did not believe that he had any intention of making an investigation, but merely of putting the Department in the attitude of arresting him. I therefore went over the matter very carefully with the agent and with Major McLaughlin, and at my suggestion the agent wrote to Mr. Miller, telling him that this was what Mr. Sniffen had said and that this was our opinion of what he intended to do; that he did not want him arrested except as a very last resort, but if he made no actual attempt to go out upon the reservation to make an independent investigation without explicit authority from the Secretary of the Interior he was not to be interfered with. In order to make sure that Mr. Miller had that letter, Mr. Reynolds telegraphed him. That letter was sent on the same train that Mr. Sniffen took. He telegraphed Mr. Miller to get the letter immediately before conferring with Mr. Sniffen. This he did, but Mr. Miller evidently misconstrued his instructions, for he did exactly the opposite from what he had been directed to do; he kindly "had the honor to inform" Mr. Sniffen that he was under arrest, and he did that in the shape of a letter which Mr. Sniffen used before you for the purpose which I anticipated. I can introduce Major Reynold's letter in this connection to Mr. Miller.

Secretary GARFIELD. Let that go in.

The CHAIRMAN. It may be identified and received in evidence.

The letter referred to is as follows:

HELENA, MONT., *January 23, 1908.*

DEAR FRED: Matthew K. Sniffens leaves to-night for Crow Agency. I inclose you clipping from to-days' Record. The statement that I am acting under orders from the Department is not true. My orders to you are upon my own judgment and for the reasons stated. Mr. Sniffens says to me that he wants to go to the agency merely to carry out the orders of his superiors; that he wants to get back as soon as he can and wire his people what he has done, when he hopes they will order him home. He asked me for a letter to you and said he would observe any parole I placed upon him. I have given him no letter. I have stated to him that I would not permit him to go upon the reservation for any purpose of investigation. I am inclined to think that he will make no attempt to investigate. I do not think he will even advertise himself. I put the matter up to you as you are on the ground and must keep in close touch with his every movement. If he does not make any attempt at investigation or unwarranted meetings with the Indians I would suggest you pay no attention to him unless he calls upon you in a social way and if he does, I would want him extended every courtesy consistent with your official position. If he should begin to investigate into affairs I would suggest that you go to him and request him to leave the reservation on first train, and should he refuse you will, of course, take such steps as are necessary in the matter.

Very truly,

S. G. REYNOLDS,
United States Indian Agent.

FRED E. MILLER, *Crow Agency, Mont.*

Senator STONE. Is that the letter conveying the instructions to Mr. Miller?

Mr. DALBY. This is a copy of the letter. This is really the rough draft of the letter.

Senator STONE. Where is the letter itself?

Mr. DALBY. Mr. Miller has that I presume. It was addressed to him.

Senator STONE. Was he then in the employ of the Government?

Mr. DALBY. He was the clerk, and in the absence of the agent was in charge.

Senator STONE. Is he now in the employ of the Government?

Mr. DALBY. Yes, sir.

Senator STONE. Where?

Mr. DALBY. At the same place.

Senator STONE. Do you mean at this agency?

Mr. DALBY. Yes, sir. Mr. Miller is a most excellent clerk, but I was sufficiently acquainted with him to fear that in nice discriminations of judgment he might go astray, and I really discussed the question of having the agent go with Mr. Sniffen in order to see that he was properly treated, but we concluded that as Miller was on the spot it was better to trust the situation to him with full instructions, and that was done with the result I have stated.

The other matter to which I wish to refer is Mr. Sniffen's statement as to the reason that Mr. Brosius did not appear before the grand jury. Senator Dixon asked me yesterday if I knew why Mr. Brosius did not appear. I told him that I had heard, and he did not ask me another question. In the course of this examination a number of things have been said which reflect upon Mr. Rasch, the district attorney, and as he is absent I would like to have the privilege of stating what Mr. Rasch told me about his knowledge of why Mr. Brosius did not appear. I will state it from memory—I can not find the reference to it among my papers. Mr. Rasch stated that when he was called to Mr. Walsh's office to meet Mr. Sniffen Mr. Walsh showed him, or read to him, I am not sure which, some letters which he had received from Mr. Brosius. Mr. Brosius first wrote to Mr. Walsh stating that before he would come to Helena he wished to be assured, first, that he would have the right to bring before the grand jury any witness that he desired; second, that he would be free to come and go as he wished during the progress of the grand jury investigation; third, that he would be premitted to go to the Crow Reservation and there secure information; and, fourth, that he would be secure himself from any action by the grand jury in regard to any conduct of his in connection with this matter.

The CHAIRMAN. Do you state that of your own knowledge, that the district attorney made that statement?

Mr. DALBY. To me?

The CHAIRMAN. The district attorney stated that to you?

Mr. DALBY. Yes, sir; Mr. Walsh stated to Mr. Rasch that he had replied to Mr. Brosius that he assumed that Mr. Brosius would have command of the process of the court to bring in any witness that he suggested; that as for his going around the Crow Reservation, he had no authority to give such a permit, but he assumed that any proper visit to the reservation would be permitted; that he would be free of course to go and come as he pleased, but as to any action of the grand jury as to his conduct Mr. Walsh would be unable to say.

Secretary GARFIELD. You do not mean Walsh, you mean Rasch, do you not?

Mr. DALBY. No, sir; I mean Mr. Walsh. These letters were addressed to Mr. Walsh, Mrs. Grey's attorney, and Mr. Walsh called for Mr. Rasch, when Mr. Sniffen came there, in order to introduce him to Mr. Sniffen. In that conference he showed Mr. Rasch these letters as explaining why Mr. Sniffen had come and not Mr. Brosius. Mr. Rasch further told me that when Mr. Sniffen was before the grand jury he made the same statement that he has made to you gentlemen, that Mr. Brosius did not come because he feared a civil liability; that Mr. Rasch then immediately reminded Mr. Sniffen of these letters and of the interview, and that Mr. Sniffen then admitted before the grand jury that the letter which Mr. Brosius wrote was to the effect that he would not come unless he was secured against the action of the grand jury.

I make that statement in justice to Mr. Rasch, who is absent.

I referred this morning to certain statements in the record which I characterized as pestiferous, and I referred yesterday to an occasion where I found that Mrs. Grey was acting in bad faith, because she stated things that I knew were not true, and that I was sure she must know also were not true. I took fragmentary notes, as I have to-day, of what she said, and that I then arose before the Indians and pointed out these facts to them, and upon that basis informed them that Mrs. Grey was not acting in good faith in their behalf, and therefore, as their friend, I advised them to withdraw their case from her. I was asked to state what those things were. I stated that I could not recall them, and I can not. They are matters of no great importance, and such things have occured to-day, and I think before I get through you will see the character of things that I then referred to.

Mrs. Grey this morning stated that the Indians objected to my taking down what occurred, and that the objection to her taking notes was because they did not wish a record of the proceedings.

Mrs. GREY. I do not think that is what I said.

The CHAIRMAN. I do not understand that Mrs. Grey included any notes of her own. She did state that these Indians did object to your taking notes, because they had not come there to talk.

Mr. DALBY. I think you will see that she did say so, if you will allow the stenographer to read the notes. I think you will find that she also said that the objection to her taking down notes——

Mrs. GREY. On the contrary, we had three Indians who were trying to take notes sitting right there at the table.

Mr. DALBY. I wish in that connection merely to call attention to page 12 of the printed record, where she referred to the fact that there was a stenographic report of one of the meetings. She says that she has that stenographic report.

Mrs. GREY. I beg pardon, Mr. Dalby. That is the preliminary work. That is already in evidence.

Mr. DALBY. She says at one place this morning that she went to the meeting at Lodgegrass Sunday afternoon, at which she was arrested by me, by my order, and for the purpose of proceeding with the investigation. In another place she states that she did not know what this meeting was for and that her first question was, "What is this meeting?"

Mrs. GREY. Can I explain that——

The CHAIRMAN. I do not think it amounts to anything.

Mrs. GREY. The only work was at the Crow Agency, and I was on my way to Crow Agency, and he was here holding this meeting at Lodgegrass contrary to the agreement, and I asked him what it meant.

Mr. DALBY. She said that One Star and Scolds the Bear went with me to this meeting, and she says that the carriage was waiting in front of the tent at the time she arrived. The facts are that neither Scolds the Bear nor One Star was present at this meeting. I sent for Scolds the Bear and waited for the messenger to bring him. Then Scolds the Bear arrested Mrs. Grey alone. I then had no means of conveying her to the village, probably a mile away, and I sent for a conveyance and White Arms came with his carriage, Mrs. Grey being kept in the meantime in front of the tent. Scolds the Bear is here and can testify upon that point.

She said this morning, after enumerating three arrests and proceeding to mention a fourth: "This was the fifth time I was arrested." It may have eluded the attention of the Senators that this was the fourth time of her arrest. That was the time at Billings, and that was the last time she was arrested. She was arrested there on a warrant sworn out by Carl Rasch, district attorney, which warrant was sworn out upon the telegraphic advice that I had sent him that morning, upon the charge she has stated of procuring money contrary to the provisions of the statute, and the proceedings from that point on were continuous, and there was no necessity for any further arrest. The occasion to which she alludes when she says she was arrested in the middle of the night I understand to be this: It does not arise from the fact that we arrived in the middle of the night, for we did not; we arrived in the middle of the afternoon, I think about 4 o'clock. It was on a freight train, because that was the first train that came. Mrs. Grey had been arrested and was being held at the Grand Hotel, as she states, by an arrangement with the sheriff, to which we agreed. I stated that I had no desire to give Mrs. Grey any inconvenience, but I simply wanted her to be secure, and that arrangement was made, I understand, with the sheriff. Afterwards, he concluded it was safer for him to lock Mrs. Grey up, and certainly his action was not the result of any suggestion of mine.

Secretary GARFIELD. Mr. Dalby, in that connection—I do not know whether your attention was called to it or not, but one of the statements of Mrs. Grey was to the effect that she was watched by the chief of the police and prevented from going to the opening of the irrigation works at Huntley on the day that I was in Billings. I wish you would state to the committee anything that you know about such an alleged transaction.

Mr. DALBY. I know that Mrs. Grey was reported to be in Billings on the 26th of June when this opening occurred, when you were there, and when I went to see you. I did not see Mrs. Grey at all during the day. I think I made inquiries through Major Reynolds as to whether she was in town. I did not take any steps to have her watched, and I do not know of any steps that were taken to have her watched. Does that answer the question?

Secretary GARFIELD. I think so.

Mr. DALBY. She further stated in one place that Wyola is the nearest place to Frank Gordon's ranch. Mrs. Grey knows that Lodgegrass is the nearest place to Frank Gordon's ranch. Mrs. Grey knows that Lodgegrass is within 4 or 5 miles of Frank Gordon's.

Mrs. GREY. That was a mistake.

Mr. DALBY. Wyola is the station some distance up the road. Mrs. Grey says she has been there, and I assume she knows the distance, but I know that Mrs. Grey must know that Lodgegrass is nearer than Wyola.

Senator PAYNTER. What is the point in this?

Mr. DALBY. The point is this: I made the statement yesterday that Mrs. Grey had made statements in treating with the Indians that I knew to be false and I knew she must know to be false.

Senator PAYNTER. You state this to prove that she must have known these other statements were false because she was in error about the distance?

Mr. DALBY. I beg your pardon; I had not finished. And that I had thereupon pointed this out to the Indians to show them that Mrs. Grey was not acting in good faith, and advised them to withdraw their case from her. I was asked to make specifications of what those matters were. I said that they were matters that I did not recall. I stated when I began that matters of a similar nature had occurred here that I could call your attention to in illustration of what I meant and what I did on that occasion. Now, any Indian would know that Wyola is not the nearest place to Frank Gordon's. Any Indian would also know that the statement that I recited a moment ago in regard to the action at the time she was arrested was not true; and they were matters they would know were not true that I called their attention to in that way.

Senator STONE. And that you did with a view to discredit her with the Indians?

Mr. DALBY. At that time; yes, sir. I did it for a purpose, as I stated frankly in her presence. Mrs. Grey says that I said it took three days to go 30 miles. I said yesterday that it was 30 miles from Lodgegrass to Joe Cooper's place, and I assume from that she has based this statement which she has made to-day. I did not go directly from Lodgegrass to Joe Cooper's place, but went to the lower end, at the south end of the reservation first. I made no such statement as Mrs. Grey has attributed to me this morning, and the record will show it.

She says that Dana said he sent word to me that he would come and see me and give me any information I wanted. Mr. Dana never sent any word to me that he would come and give me any information I wanted. The only communication I ever had with Mr. Dana while I was on the reservation was this: I heard that one of the payments made to Mrs. Grey consisted in part of a check from Mr. Dana to one of the Indians. I thereupon wrote Mr. Dana and asked him if he had any checks that bore Mrs. Grey's indorsement to please send me the check and I would return it to him. In reply I received by the next mail a very courteous letter from Mr. Dana with one of his checks with Mrs. Grey's indorsement on it, stating that he was through with it and I might retain it. Mr. Dana in conversation with me at Helena did not state that he had ever sent me any such word. I do not state that he did not, but I do say that I never received any such word from him.

She states further that John Booze sent word to me that he would be glad to point out a number of irregularities on the Heinrich lease, and I replied that he must take his cattle off the reservation. I never

received any message from John Booze. I have never met John Booze. I have never sent John Booze any message of any kind.

Secretary GARFIELD. Mr. Chairman, I must be excused now, as I have an appointment. I do not know whether there is anything else that the committee requires of me, but if so I may be sent for.

The CHAIRMAN. Very well, Mr. Secretary.

Mr. DALBY. Further, on this same line, she said that I said that I did not know that it was the time of the annual dance of the Indians, referring to the 30th of May. The record will show that I said that I did know it was the time of their dancing, but I did not know it was the time of the tobacco dance, and, as a matter of fact, there is no fixed time for the tobacco dance. She says that I did not make any investigation of the Heinrich cattle. My report will show that I did. She says that I did not investigate the school. I spent an entire day in examining the schoolroom work, farm work, and everything else, in addition to going over a matter in advance with the superintendent and his employees, and I think my report will show that fact. She says that I did not investigate Mr. Edwards. My report will show clearly of the investigation I made that involved Mr. Edwards. The charge which she made was susceptible of investigation from records that were published. They were open to Mrs. Grey. I merely pointed out the fact that those records showed that Mrs. Grey's charge was absolutely groundless in regard to Mr. Edwards. I did explain that in my report. In regard to the stores at the coagency, a section of my report shows that Mr. Edwards was interested in one of them, and that I investigated that very thoroughly.

She refers to Alexander Upshaw, and says, by inference—I would not attempt to quote her language—that I brought some influences to bear upon Alexander Upshaw to interpret or otherwise to behave in a manner that would aid me to produce some results in the investigation which I wanted principally to produce. I met Alexander Upshaw first in the tent at Crow Agency when Mrs. Grey first came to the reservation. She introduced me to him as one of her followers. I met him at the meeting at Frank Gordon's. Mrs. Grey had objected to my interpreter, Carl Leider, and I had dismissed him and I had accepted Alexander Upshaw because he was the officially chosen interpreter of the Indians at that meeting. In the progress of the afternoon some things were stated that Mrs. Grey evidently did not like. She accused Alexander Upshaw of interpreting falsely. I asked the other interpreters whether Alexander had interpreted falsely and they stated that he had not. I told them they should understand that they were free to interrupt and to correct any erroneous interpretation, but I refused to permit Mrs. Grey to change the interpreter. He continued to interpret at that meeting and at the next. After this meeting was over and I was preparing to go over the reservation in order to make my investigation among the Indians themselves, Alexander Upshaw came to me of his own motion, and said that if I would take him as interpreter he thought the Indians would talk to me more freely than if I took somebody from the agency, because he had been identified with them in the Crow Indian Lodge, and he would like to go in the interest of bringing out the truth for the Crow Indians. I said that I could not pay him anything for going, further than his expenses. He said he was willing to do that. I said

I would take the matter under consideration and would let him know. I did, and I think it was the next day that I notified him that we would use him as interpreter. Alexander Upshaw did go with me and did very greatly assist me in my work, for he is about the most intelligent Indian on the reservation. He has had a checkered career, and there are some things that are much to be regretted in his record, but he is trying to straighten up and make a man of himself, and I am trying to help him.

Mrs. Grey states in that connection that in consideration of Alexander Upshaw going with me I secured for him a place with Mr. Curtis, the photographer, at $100 per month. I will state that I have never met Mr. Curtis; that at the time alluded to I did not even know who he was. Alexander Upshaw told me at that time that he had an offer from Mr. Curtis—and when I say at that time I mean the time we started out, which was a day or two after this first interview. He told me he had an offer from Mr. Curtis to pay him, I do not know the sum; perhaps it was not stated, but it was to go with him all summer as his interpreter. I said: "Well, I do not want to stand in your way and if going on this trip will prevent your getting this position I will get another interpreter, but I would like to have you go because I have made all of my plans." He said he would go with me, and did go without compensation, deferring his acceptance of this offer which would have given him, I think, $100 per month and other perquisites.

When we finished that investigation over the reservation Alexander Upshaw did go with Mr. Curtis; he was with him all summer, and is with him yet. He has not held a Government position, as has been stated.

As bearing upon my relations with Alexander Upshaw, I would like to submit in this connection some correspondence which I have had with him. I will not take the time of the committee to read it unless it is desired. He was to have come with this delegation; he was selected by the Indians, but was taken sick, and the last of the letters which I submit here is one which I received upon my arrival in Washington telling me about that.

The CHAIRMAN. Those letters may be received in evidence and properly identified.

The letters referred to are as follows:

CROW AGENCY, MONT., *July 13, 1907.*

MY DEAR ALEX: Since you left I have thought over pretty carefully your request and that of the other Indians in regard to the adoption of your wife, and I have concluded that it is not wise to do what you wish in this matter, both because it would set a bad precedent generally and because it would produce an undesirable situation in your particular case. No white person has ever been adopted into the tribe so far as I am able to learn, and the same arguments which might lead to the adoption of your wife would apply, perhaps with somewhat less force, in the case of any respectable squaw man on the reservation—for instance, Stevens or Williams. Moreover, if she were regularly adopted into the tribe, her rights would be quite independent of her relationship to you, and she could then obtain a divorce from you (if she has statutory ground, as to which, of course, you know better than anyone else) and marry a white man, thus deserting you entirely, and yet retaining her own rights as a member of the tribe and bringing in a stranger. You understand, of course, that I do not in the least question her present intentions toward you, but this is one of the possibilities that should not be overlooked in considering this matter.

So far as I can learn by inquiry, the question of Mrs. Upshaw's adoption into the tribe has never been considered by a general council. Although this would probably have been a serious obstacle to any action on my part had I reached a different conclu-

sion on the merits of the case, it has as a matter of fact had no weight with me in reaching the conclusion which I have stated above.

What you really want for your wife, if we look the situation squarely in the face, is an allotment of land. This is the chief, and I might almost say the only, benefit which she would now derive from membership in the tribe. I believe your idea of having a small plat of land in some part of the reservation not in the direct line of travel, and yet where you would have respectable, good neighbors, is a good one. What you need to do is to establish yourself as a self-supporting, self-respecting, and respected member of the tribe. Now, in my judgment you can accomplish this far better by purchasing a suitable dead allotment than by securing the adoption of your wife, even if you could do that, which you can not. No Indian could then say that you had enjoyed any special favors, but all would know that what you had done you had done by your own strength and force of character, and all would respect you accordingly.

Now, in this I am willing to help you all I properly can, for I believe it would be wise and fruitful of good to all concerned. I have talked the matter over with Major Reynolds, and he tells me that under the regulations he can arrange to permit you to buy a dead allotment without advertisement and open competition in the usual way, provided you find the allotment you wish to buy and make a fair bargain with the heirs of the land. As you know, you are not only a member of the tribe, but you are a citizen, and you can therefore receive a deed to the land in your own right just as any white man; or you can have the deed in your wife's name, if you prefer.

When you return to the reservation I think you had better take this matter up and discuss it with Major Reynolds. With your savings from this summer's work you should be able to purchase a 40-acre tract of good land in a desirable location somewhere on the reservation. If your savings should not be quite sufficient for this, your wife could probably help you.

In the meantime, before you are ready to go upon your new place, if you would like to have a position as interpreter, I think it quite likely that Major Reynolds can find one for you. In all this I am assuming that you are going to carry out your plan of renting your home place to some good tenant who will improve it for you on somewhat the same plan that Frank Henry is following on the George Pease place.

Now, Alex, as you know, I have taken a very deep personal interest in you, and I do want to see you make good. As I have so often said to you, you have plenty of brains, plenty of education, and plenty of nerve, and all that you lack for permanent success is principle. If you can just stick to the principle of doing the right thing and the square thing always, and of always telling the truth, I feel confident that you can in time become a man of great influence and a power for great good among your people. And you will make me very happy by doing this.

I do not expect to be here when you return to the reservation. But I have spoken of you to practically everybody on the reservation that I thought could be of assistance to you in your uphill work of getting started and regaining the confidence of those who have known your trickiness and meanness and dishonesty in the past. To all these I have said that you have not done this way with me, but that you have behaved like a man, and that I believe you see the foolishness as well as the meanness of your former course, and that you now intend to straighten up and be a man. And of all these I have asked that they give you their sympathy and encouragement when you need it, just as I have done.

You have a bright future before you if you will only stick to your principle and remember the things that we have talked over so often. Do right, deal squarely and honestly, and tell the truth always.

Major Reynolds is your friend. Go to him for advice when you need it. But remember that you have got to do the hard work for yourself. It is not possible for anybody else to do it for you. I am banking on your making good. Don't disappoint me.

With best wishes for your success now and always, I am,

Your true friend,

Z. LEWIS DALBY,
Indian Inspector.

Mr. Curtis is your friend. Talk these things over with him.

ELBOWOODS, N. DAK., *September 15, 1907.*

Mr. Z. LOUIS DALBY, *Washington, D. C.*

MY DEAR MR. DALBY: I received your letter in July. I have read it through so often that I can repeat every word of it. I sent the letter to my wife, and I suppose she knows how you feel about her question of being adopted into the Crow tribe. She has not said a word about it to me, but I fully agree with you when you say her

adoption into the Crow would lead others to try to be adopted too. The Crow people should not be allowed to ask the Department to allow any more outsiders to come in as part of them. I am very sorry that we ever allowed those negroes to come in and hold rights as Crows. I thought if such people as them were allowed to hold land as Crows, my wife had just as much right, and so I asked you to consider the case for me. The Indians themselves first suggested the idea of her adoption. I am very glad to know that I can secure a piece of land somewheres on the reserve without competition. I have already discussed it with my wife, and we are going to try a piece of land on Pryor Creek. As for my future, I have given you my sincere words when I promised you that I will be a man. The greatest trouble of my past life has been that of not knowing how to handle financial matters and neglected sometimes to meet my debts when it ought to have been settled up. I am old enough now to realize fully how my future life ought to be guided. I do not owe very much now, and I am sure I can handle them soon. I am very happy when I realize the fact that you are interested in me. I will not disappoint you.

We have visited practically all of the Sioux reservations and have gathered some very important facts concerning the Indians' history. They are very interesting people to study. They have some great ceremonies concerning the holy pipe. I will sometimes give you a sketch of it. The Sioux is very backward in civilization. He is far behind other Indians that I know of.

Well, Mr. Dalby, we are here among the Gros Ventres, Mandan, and Rees. We hope to reach Crow people about the fair time. I have had a very pleasant summer with Mr. Curtis. He is a fine man. I saw Joe Cooper yesterday, and he tells me that you have our friend Mrs. Grey in Helena. Will you be there for the trial? I hope we will meet again. I sent a sketch of myself talking signs to a Sioux Indian. I hope you are well, and will now close with best regards.

Your friend, ALEXANDER UPSHAW.

CHERRYFIELD, ME., *September 23, 1907.*

MY DEAR ALEX: Your letter of the 15th has just reached me and gives me very great pleasure. I am glad to know that you have had a pleasant summer, and I hope it has been a successful one too. I think your decision to buy a dead allotment on Pryor Creek is a wise one, and I am sure Major Reynolds will help you all he can. I am sending this to you in his care, as you say you will be on the Crow Reservation at fair time. I wish I might be there then to meet Mr. Curtis as well as to talk with you and my many friends among the Crows. I shall probably be on the reservation some time this winter, and I shall hope to see you and to hear good reports of you. I think of you very often and am counting on you to do good work and stick to the right; and I can think of few things that will give me more genuine pleasure than to realize in the future—a year hence, two years hence, or even ten years hence—that you have actually made good and made of yourself the honorable and useful man that I know you can if you will. Only time can demonstrate whether you will or not. But I expect you to make good.

I am very pleased to have the sketch of yourself talking signs to the Sioux; and I shall be interested in learning about the ceremonies of the "holy pipe."

As you go about among the Crows at fair time I wish you would give my best regards to the many friends I made among them while you were with me. I think of them very often and wish them well both individually and as a tribe.

With best regards and all good wishes for yourself and Mrs. Upshaw, I am,

Sincerely, your friend,

Z. LEWIS DALBY, *Indian Inspector.*

Mr. ALEXANDER UPSHAW,
Crow Agency, Mont.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Pryor, Mont., March 29, 1908.

Mr. Z. LOUIS DALBY, *Washington, D. C.*

MY DEAR FRIEND: I am very sorry to inform you that two days before the delegation started for Washington I took sick, and the physician here would not allow me to travel. I was so anxious to go, but fate seemed to be against me. The doctor explained my situation in a letter to Major Reynolds. I hope everything will turn out all right for us, although I could not be there. The people, both whites and Indians,

here regretted very much that I was not able to go. I have strong faith in Major Reynolds, Colonel McLaughlin, as well as yourself, and I hope you all will work in unison for our welfare. We need such men as you in this trying time in order to get justice.

If the reservation must be sold, I wish it may be done while you men are in power. Another Administration may not be so kindly disposed toward us. I have bargained for Bobtail Crow's allotment, all the heirs have signed the agreement, and I have sent the full amount to the Commissioner of Indian Affairs for the land. Subagent (Mr. Van Hoose) here wrote to Major Reynolds and told him it was a fair price for it. If you can hasten the matter so that I may get a deed soon I would be very thankful to you, for I wish to have some work done on the place this spring. I am feeling much better now, and in a few days Mr. Curtis's foreman and I will start out to do some more work on this reservation. Best regards to you.

I remain, ever your sincere friend, ALEXANDER UPSHAW.

Mr. DALBY. Mrs. Grey states that I presented in evidence a letter written by Joe Cooper inclosing her $100, which letter she states she gave me in Washington. The facts regarding that letter are these. When I was talking with Mrs. Grey at the St. James Hotel on the 19th of April last, she showed me a letter as an illustration of the brightness of some of the Crow Indians. I recall that that letter was from Joe Cooper and referred to a remittance of $100. I commented upon the good handwriting that it exhibited. I may have made a comment upon the money but I do not recall. I do not recall exactly what was stated in that connection, but I recall distinctly the impression that was made upon me by Mrs. Grey in that connection, and that was that the money was sent to her voluntarily by the Indians, without any solicitation by her, and that nothing was further from her intention than to use that monev, and I drew the inference that the money had been returned, for she did not show me the papers.

Mrs. GREY. You got the letter.

Mr. DALBY. I did not ask for the letter, and Mrs. Grey did not offer it to me, and I did not get it and I have not seen it since.

Mrs. GREY. It was offered in evidence, was it not?

Mr. DALBY. It was not offered in evidence.

Mrs. GREY. It was there before the grand jury.

Mr. DALBY. I did not offer it. She refers to my failure to submit letters. The letter to which she particularly referred in that connection, the one which she wrote me from Lodgegrass in regard to the dance, was submitted by me with my report to the Secretary of the Interior and is now in the files of the Interior Department. I have not concealed any of Mrs. Grey's correspondence, and I am ready to produce any that are in my possession, to which she may refer.

She says that I used the order of Plenty Coos dismissing her as the excuse for my arrest of her. I merely state that that is not true, but the facts in that connection are exactly as I stated them yesterday, as the record will show.

She says that Bair, Edwards, Reynolds, Heinrich, and Major Logan were openly eating and drinking at the Weiss café in Helena during the meeting of the grand jury.

Mrs. GREY. Yes, with the grand jurymen.

Mr. DALBY. With grand jurymen. In that connection I merely wish to state that to the best of my information and belief Mr. Bair was not in Helena at any time during the meeting of the grand jury. Mr. Heinrich was not in Helena at any time during the meeting of the grand jury. Mr. Edwards was in Helena, I think, about twelve hours just before Christmas. He came for the purpose of visiting

his children in the convent school at Helena. I do not know of any eating or drinking with any of the grand jurymen in either of the places mentioned.

Mrs. Grey states that Mr. Johns gave his address as Billings. I understood that Mr. Johns was on the records of the marshal's office as from Red Lodge. She states that I said I was in close conversation—let me amend that. I do not know that she stated that I said I was in close conversation, but she states that I was in close conversation with Mr. Johns, meaning by that statement what I said yesterday about Mr. Johns signifying his desire or willingness to have me go over with him the report which he had been directed by the grand jury to prepare. I stated in that connection that I declined to go over that report with him.

I wish to state further in that connection that I met Mr. Johns and other grand jurymen casually in the corridors and in the office of the Grandon Hotel. I had no conversation with any of them at any time upon the subject of the investigation in the grand jury room, except in the grand jury room, and I had been told that my attitude in regard to this was regarded by some of the grand jurymen as snobbish. My attitude in that connection was simply dictated by a desire to be beyond criticism in this connection.

She states that she was not arrested when she was in Billings on the 26th of June, when I stated that the case was already complete against her, because the grand jury was then in session, and therefore she could not be held. The fact is that I then told the Secretary that I had a complete case against Mrs. Grey, and I suggested the arresting of her promptly, and he said that he wished to avoid arresting her if possible; that if she left the reservation, left the neighborhood of the reservation, and ceased to create disturbing conditions in that neighborhood to the detriment of the Indians, she should be allowed to go. Later, in Helena, only two or three days afterwards—the 3d of July I think it was—the matter was discussed again with Mr. Rasch and Mr. Garfield. Mr. Rasch agreed with me that the case was complete; that every point in the statute was met by the evidence which I had obtained, and I urged that Mrs. Grey be promptly arrested, and Mr. Rasch, I think, himself interposed the objection that the grand jury had just adjourned. My recollection is that the grand jury had then adjourned, and he stated that she would have to be held for some time unless she gave bond. I asked him if he could not call a special grand jury for that purpose, and he said that he did not think that Judge Hunt would consent to that. Then it was decided that the matter should be left for the present, and if Mrs. Grey did not create further disturbance she should be allowed to go; but that if she continued the course that she had followed up to that time, and that if she returned in the meantime to the Montana jurisdiction, she should be promptly arrested and the case proceeded with. She had in the meantime gone to Wyoming, and this was the course pursued.

In regard to the statements that have been made here by Mrs. Grey—and I am not sure that they were not made also by Mr. Sniffen—in regard to Mr. Rasch, the district attorney, being ordered out of the room, I wish to say that Mr. Rasch was not ordered out of the room. Some suggestion was made, from what source I do not know, that Mr. Dana had something that he wanted to say to the

Grand Jury in the absence of the district attorney. Mr. Rasch immediately arose and offered to leave the room. He did so, and Mr. Dana proceeded with his statement. Mr. Rasch, upon returning to the room, stated that he understood that there were some other witnesses who also wanted to be heard in his absence, and he did not think it proper or dignified to go at the beck and call of witnesses, and that he would either leave the grand jury room then and not return, or he would stay, as the grand jury said, and if the grand jury wished any advice from him at any time he would respond to their summons. The grand jury, after considering the matter, concluded that in order to avoid any possible criticism, they wished to grant even this request of some of the witnesses, and it was done. That was the way in which Mr. Rasch happened to leave the grand jury room, as he stated it to me.

Senator PAYNTER. I presume you told yesterday the exact date of your visit to Crow Reservation.

Mr. DALBY. I may have done so.

Senator PAYNTER. If you have not, I wish you would state now.

Mr. DALBY. I think I can tell you. I have kept throughout my work a journal of such events as seemed worthy of record. I arrived at Crow Agency about 11 o'clock on the night of May 22, 1907.

The CHAIRMAN. On what date, now, did you have the interview with the Indians at which Mrs. Grey was present—I think at Lodgegrass—you said, the first interview you had in Mrs. Grey's presence?

Mr. DALBY. You refer to the meeting at Gordon's?

Senator PAYNTER. Yes.

Mr. DALBY. That was on May 30.

Senator PAYNTER. You got there on the 22d, and went there on the 30?

Mr. DALBY. Yes, sir.

Senator PAYNTER. Where had you been in the meantime?

Mr. DALBY. I had been at Crow Agency most of the time. I went from Crow Agency to Sheridan to meet Mrs. Grey on one of those days. I made an excursion up to Reno on horseback.

Senator PAYNTER. Is that in the reservation?

Mr. DALBY. Yes, sir; on one of those intermediate days and witnessed a tobacco dance, and incidentally met a good many of the Indians.

Senator PAYNTER. Well, this Lodgegrass meeting was the first meeting you had with the Indians in council to discuss their troubles or complaints that they had made?

Mr. DALBY. That meeting was not held for that purpose; that meeting arose in this way: I went there because of the suggestion that Mrs. Grey was bringing about conditions that were dangerous.

Senator PAYNTER. You anticipated that she would be there on that occasion?

Mr. DALBY. Yes, sir; I went there because she had promised me when I permitted her to go to Lodgegrass that she would return to the agency if in my judgment the conditions were such that she should return to the agency, and I went there for the purpose of determining whether that condition had arisen. I had promised Mrs. Grey previously to come up there and meet the Indians.

Senator PAYNTER. So you anticipated she would be there; you really had an agreement to meet her there, did you not?

Mr. DALBY. I had written her that I would be there that day.

Senator PAYNTER. The charges that you went to investigate were the charges that had been brought by Mrs. Grey and this committee of Indians that attempted to come here previous to your going out there?

Mr. DALBY. They were; the charges have been submitted and are in the record.

Senator PAYNTER. So that the charges that you were to investigate were made by Mrs. Grey?

Mr. DALBY. Yes, sir.

Senator PAYNTER. I believe you said a while ago that you at that meeting at Lodgegrass tried to discredit Mrs. Grey with the Indians there by showing the inaccuracy of some of her statements?

Mr. DALBY. I went there for the purpose of determining the facts in the situation in the interest of the Crow Indians.

Senator PAYNTER. I understood you to say a while ago in your examination in chief that you sought to discredit Mrs. Grey by calling the attention of the Indians to some inaccuracies in her statement.

Mr. DALBY. I answered that question, and the record will show my answer.

The CHAIRMAN. Just answer the question now.

Senator PAYNTER. You did do that. Did you try to discredit Mrs. Grey with the Indians on that occasion?

Mr. DALBY. I answered that question.

Senator PAYNTER. Can you not answer it again?

Mr. DALBY. I can not answer it without going into the circumstances in order to tell you what I did.

Senator PAYNTER. Can you not say "Yes" or "No" to the question whether or not you were trying to discredit Mrs. Grey with the Indians on that occasion?

Mr. DALBY. I say yes, and for the reasons stated yesterday.

Senator PAYNTER. You may put in any qualification that you desire. On that occasion you had her arrested?

Mr. DALBY. No, sir.

Senator PAYNTER. When was it that you had her arrested?

Mr. DALBY. It was on the 2d of June.

Senator PAYNTER. Two days following?

Mr. DALBY. Yes, sir; the 2d of June.

Senator PAYNTER. Where was she then, Mr. Dalby?

Mr. DALBY. She was at the tent at which the meeting of the Indians was being held, down by the Lodgegrass Creek, I think.

Senator PAYNTER. Was there any agreement to meet the Indians on the 2d of June at that point?

Mr. DALBY. Not on the part of Mrs. Grey, as far as I know.

Senator PAYNTER. You had made an agreement with the Indians to meet them at that time?

Mr. DALBY. I had; yes, sir; as will appear in the record of yesterday's proceedings.

Senator PAYNTER. I understood you to say this morning that you had refused to allow Mr. Sniffen to prosecute an investigation on the reservation as to these charges that were made against the management of the agency?

Mr. DALBY. I do not think I made such a statement, Senator.

Senator PAYNTER. I thought you said that Mr. Miller had been induced not to let him do it.

Mr. DALBY. What I said I think was——

Senator PAYNTER. I just want to understand you.

Mr. DALBY. What I stated, I think, was that I did not think Mr. Sniffen should be permitted to make an investigation upon the reservation; I was satisfied that Mr. Sniffen had no intention of making an investigation upon the reservation, but merely of securing his arrest in order to put the Department in a false position.

Senator PAYNTER. Did you say anything to Mr. Sniffen in regard to his proceeding with an investigation on the reservation?

Mr. DALBY. I did not.

Senator PAYNTER. Did you instruct Major Reynolds to say anything to him in reference to the matter?

Mr. DALBY. I do not think I did.

Senator PAYNTER. Did you and Major Reynolds talk about it while Mr. Sniffen was in Helena, before his contemplated trip?

Mr. DALBY. We did, as I have stated.

Senator PAYNTER. What agreement did you reach?

Mr. DALBY. That resulted in my advice to Mr. Reynolds to prevent, if possible, the arrest of Mr. Sniffen.

Senator PAYNTER. Did you also instruct him to prevent Mr. Sniffen from making an investigation there?

Mr. DALBY. I told him that as to his action as agent he was responsible; that I would not assume his responsibility, but that my advice to him personally would be not to permit an investigation without authority from the Secretary of the Interior.

Senator PAYNTER. So, then, in effect, you advised Major Reynolds not to permit him to do it without first getting permission of the Secretary of the Interior?

Mr. DALBY. I did; yes, sir; without any qualification.

Senator PAYNTER. With regard to Mr. Brosius, had you objected to Mr. Brosius making an investigation?

Mr. DALBY. That question did not arise.

Senator PAYNTER. You were there with a view of making an investigation of those charges that were made by Mrs. Grey. Now, you say, as I understood you, that you said then that Mrs. Grey was not a credible person—perhaps that was not your exact language, but that is the idea. Even if she was not, could she not have been of some service to you in calling your attention to charges that you might be able to sustain?

Mr. DALBY. I thought so at first, but I soon discovered that I was mistaken.

Senator PAYNTER. You found that you did not need her services to investigate the charges which she had made?

Mr. DALBY. I found not only that, but that she would prevent a real investigation.

Senator PAYNTER. Prevent a real investigation?

Mr. DALBY. A real investigation.

Senator PAYNTER. In the interest of Major Reynolds and the agency?

Mr. DALBY. In the interest of the Crow Indians. That was the sort of investigation I was making.

Senator PAYNTER. You did not think she wanted an investigation of any kind, then, after getting there; you reached that conclusion, did you?

Mr. DALBY. I think she did want an investigation that she could control; for what purpose I do not know.

Senator PAYNTER. You were not afraid she would control you, were you?

Mr. DALBY. I was not.

Senator PAYNTER. You did not have her arrested to prevent her from doing it?

Mr. DALBY. No, sir; I did not.

Senator PAYNTER. I will ask you if there was any agreement between you and the Commissioner of Indian Affairs or Secretary Garfield that Mrs. Grey was to be arrested when you reached the agency on this charge of having collected money from the Indians.

Mr. DALBY. There was none; no sir.

Senator PAYNTER. You did that on your own responsibility?

Mr. DALBY. Will you please repeat the question?

Senator PAYNTER. I asked you if there was any agreement between you and the Commissioner of Indian Affairs or between you and the Secretary of the Interior or anybody in that office in authority that you were to have Mrs. Grey arrested on reaching the reservation or during the investigation for having received money from the Indians?

Mr. DALBY. You mean before I went from Washington out there?

Senator PAYNTER. Yes; before you left.

Mr. DALBY. No, sir; for several reasons, the first and most important of which was that it was not known by anybody in Washington that she had received this money in this way further than the fact, as I have recited, about that $100, and my impression as to that is what I have already stated and what will appear in the record.

Senator PAYNTER. So you state as a matter of fact that there was no arrangement about it and no discussion on the subject?

Mr. DALBY. I do; yes, sir.

Senator PAYNTER. Mrs. Grey, then, did not remain on the reservation after she was arrested until your investigation was completed?

Mr. DALBY. Do you mean when I arrested her on June 2?

Senator PAYNTER. Yes.

Mr. DALBY. No; because I put her off the next day.

Senator PAYNTER. You stayed there during the time the grand jury was in session with a view of having her indicted for collecting money from those Indians, did you not?

Mr. DALBY. I do not understand the question.

Senator PAYNTER. I say you stayed in Helena during that session of the court when the grand jury was in session with a view of having her indicted for receiving money from the Indians when you were there?

Mr. DALBY. Yes, sir; that was not in connection with my investigation; that was long afterwards.

Senator PAYNTER. How long were you on the Crow Reservation making the investigation?

Mr. DALBY. I arrived there on the 22d of May and left on the 13th of August, as I have stated.

Senator PAYNTER. Do you remember the date of Secretary Garfield's letter to Big Medicine, I believe, and other Indians out there to have nothing to do with Mrs. Grey?

Mr. DALBY. Yes, sir; it was the 26th of June, and I would like to state how that letter came to be written.

Senator PAYNTER. I do not care about that; Secretary Garfield has already testified in regard to that.

Mr. DALBY. It was because of a circumstance that the Secretary omitted to mention that I wanted to make the explanation.

Senator PAYNTER. The investigation was still on at the time that letter was written, was it?

Mr. DALBY. It was; yes, sir.

Senator PAYNTER. That is all.

The CHAIRMAN. Have you any further statement that you care to make?

Senator PAYNTER. I do not object to his making any statement that he wishes.

Mr. DALBY. I would like to state that on that occasion, the 26th of June, I asked the Secretary if he could not go down to the Crow Reservation. I said that I had rounded up the situation and had reached substantial conclusions, and was ready to begin drafting my report, and that I believed if he would come down there personally and would address the Indians that it would help in working out the situation for the benefit of the tribe, and he said that it was impossible; that he had already made his arrangements, and he suggested that he would write them a letter, and he dictated that letter to his stenographer in my presence, and asked me the name of the chief, and it was at my suggestion that instead of writing it to one chief he wrote it to the head men of the several districts.

Senator PAYNTER. It was not written from the office here, but while he was in the West?

Mr. DALBY. It was written in Billings. My suggestion was to prevent any excuse for the Indians going from district to district to read the letters, in order that they might attend to their work, which had been sadly neglected.

Senator STONE. When did Mr. Sniffen arrive, wherever he was—Helena or the agency—when you first saw him?

Mr. DALBY. I was not there at the time, Senator; he was there before I was. He was there when I arrived, and I reached Helena I think it was the 22d of January. That was the second time. The grand jury had been in session in December, and on account of the unexpected prolongation of the work a recess was taken over Christmas, and they adjourned until the 21st of January. I was unable to reach there by the 21st.

Senator STONE. January of what year?

Mr. DALBY. This past January, 1908.

Senator STONE. Had he been there before?

Mr. DALBY. Not to my knowledge.

Senator STONE. You were not out there at that time, in January, to prosecute any investigation into these charges that were made by Mrs. Grey?

Mr. DALBY. No, sir.

Senator STONE. You had completed that work?

Mr. DALBY. Yes, sir; last summer.

Senator STONE. And had gone out to attend a session of the grand jury?

Mr. DALBY. Yes, sir.

Senator STONE. And while you were there Mr. Sniffen came, or was he there when you arrived?

Mr. DALBY. He was there when I arrived in January.

Senator STONE. He wanted to go down to the agency, as I understand?

Mr. DALBY. Yes, sir.

Senator STONE. Ostensibly to make an investigation?

Mr. DALBY. Yes, sir.

Senator STONE. He held that out as being his purpose, did he, to make some investigation into the condition existing at the agency?

Mr. DALBY. Your use of the word "ostensibly" is very apt, Senator. That was the ostensible purpose of his going.

Senator STONE. I used that word because it was expressing your idea as you gave it this morning.

Mr. DALBY. Yes, sir; it does.

Senator STONE. I understood you to say this morning that he did not really want to make an investigation.

Mr. DALBY. That is the way I understood it from the conversations between him and Major Reynolds, which Major Reynolds reported to me. Major Reynolds is here and can testify to that.

Senator STONE. What I want to know is, if his declared purpose in going to the agency was ostensibly to make an investigation into the conditions of the agency?

Mr. DALBY. Yes, sir.

Senator STONE. And you objected to it?

Mr. DALBY. Well, I do not know what you mean by "objected to it."

Senator STONE. You objected to his going to the agency for that purpose, or being permitted to make an investigation there?

Mr. DALBY. I will have to make that answer explicit, as I tried to do before. It was my judgment that he should not be permitted to make an investigation. I said to Major Reynolds, "You are agent of the reservation, and I shall not relieve you of any responsibility; you must meet that situation, but if I were agent I would not permit him to make an investigation without explicit authority from the Secretary of the Interior."

Senator STONE. Well, you advised the agent not to permit the investigation to be made without authority from the Secretary?

Mr. DALBY. I did, sir; there is a reason for that, if you wish me to state it.

Senator STONE. I was going to ask you what reason you had for objecting to the investigation by Mr. Sniffen, if he really wanted to make one?

Mr. DALBY. In last July, Mr. Brosius, the agent of the Indian Rights Association, submitted certain charges to which Mr. Sniffen has referred to the Commissioner of Indian Affairs. Those charges were subsequently brought to my attention by the Commissioner at the suggestion of the Secretary. I made some comment upon the charges, and stated that I did not care to make further comment unless the Secretary of the Interior wished to go into the matter, in which case I would be glad to meet Mr. Brosius in the presence of the Secretary and make that answer there. The result of that was a hearing, which was held on the 30th of October. There was a stenographic report made, and I think that has been presented here. Subsequently to that there was some correspondence between the Secretary and the Indian Rights Association. The Indian Rights Association wished a reinvestigation upon the Crow Reservation on the ground that I had failed to have the confidence of the Indians by reason, as was alleged, of having sworn at Joe Cooper; that therefore the con-

clusions that I had reached were absolutely unreliable, and that there should be an entirely new investigation of the matters upon the reservation.

The matter was gone into very thoroughly. The committee was invited to submit any prima facie evidence of the need of a new investigation. The Secretary said that if reasonable cause was shown he would order the new investigation. All the time I opposed the reinvestigation upon this ground. I stated that I was so thoroughly confident of the integrity and thoroughness of my investigation that I knew if a new investigation was made it would necessarily redound to my credit personally; nevertheless, I said I knew also the conditions upon the reservation to be such that a reopening of this whole situation would result in great injury to the Crow Indians, and, therefore, I felt in duty bound, regardless of the effect upon myself—and I knew that in opposing it I exposed myself to criticism, for people will say that I am trying to hide my own iniquity—nevertheless, in duty bound, I opposed this reinvestigation, and I did that openly and frankly from beginning to end. As a result of this inquiry the Secretary of the Interior on the 13th of December advised the Indian Rights Association that he had determined not to permit a reinvestigation, as a sufficient cause for such reinvestigation had not been presented.

Senator STONE. We have that correspondence. But I was getting at your reason for your attitude. Now, in what way would a reinvestigation do an injury to the Indians at the agency—a fair and thorough investigation—not with a view of getting at something sensational, but with a view of getting at real facts, the real state of facts? Now, how would that injure them?

Mr. DALBY. If you will permit me, I will read from a statement that I made on that subject which is probably more concise than I could make it offhand. It is a letter which I wrote to the Secretary of the Interior commenting upon the letter of the Indian Rights' Association under date of November 6, I think, in which the Indian Rights' Association stated that my report was absolutely without reliability.

The CHAIRMAN. Can you not state it in about two minutes?

Mr. DALBY. The Chairman has suggested an answer as being in my mind and so I might say it would raise hell with the Indians. That is the reason in brief. My more extended discussion of that reason will be found in my letter of November 8 to the Secretary, which will be submitted by the Secretary of the Interior.

Senator STONE. Raise hell with the Indians? Do you mean to say that if an officer of the Government went out there under authority, a representative of the Indian Rights' Association should be permitted to accompany him, or should be permitted to go in advance to gather information for his use, that that officer's presence and work would raise hell with the Indians?

Mr. DALBY. Unfortunately, in view of my experience with the representatives of the Indian Rights' Association, I am compelled to say so. If you wish a more extended reason, I will read them from this document.

Senator STONE. No; you can put the document in the record.

(The witness was thereupon excused, and the committee adjourned until to-morrow, April 10, 1908, at 9.30 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Friday, April 10, 1908.

The committee met at 9.30 a. m.

Present: Senators Clapp (chairman), Sutherland, Brandagee, Curtis, Dixon, and Paynter.

ADDITIONAL STATEMENT OF MATTHEW K. SNIFFEN.

The CHAIRMAN. Mr. Sniffen, have you anything further that you desire to state that is new matter?

Mr. SNIFFEN. I desire to make a few more remarks in connection with Mr. Dalby's statement.

Mr. Dalby, in his statement to the committee yesterday (April 9) relative to my expressed purpose to go to the Crow Reservation, asserted, in substance, that I had "no intention of making any investigation," but wanted to "put the Department in a false position." Such a statement is absolutely false. If Mr. Dalby was so firmly convinced that my purpose was as indicated, the simplest way of proving it would have been for him to suggest to Mr. Reynolds to take me at my word and afford every facility to go over the reservation in my capacity as a representative of the Indian Rights Association.

Had I failed to avail myself of such an opportunity had it been open, it would have confirmed his opinion, and he could then very properly have accused me of bad faith. In the absence of this opportunity having been offered, however, the assertion that I had "no intention of making any investigation" is wholly unwarranted. It is further discredited by Mr. Dalby's admission that he advised Mr. Reynolds not to allow me to make any inquiry on the reservation. As to the further intimation, I challenge Mr. Dalby to cite a case where the Indian Rights' Association, in its twenty-five years' existence, has sought to "put the Department in a false position."

Mr. Dalby submitted as an exhibit a letter written by Agent Reynolds to Mr. Fred Miller, clerk at Crow Agency, giving the latter directions as to how I was to be disposed of when I reached the reservation. I would call attention to the fact that Mr. Miller received two letters from Mr. Reynolds on the subject, and if one is presented in evidence, the other should be also. I did not read either letter and only have such knowledge of their contents as Mr. Miller reported to me—a few extracts to the effect that if I wished to remain, personally, I was to be treated courteously, but that I was not to be permitted to make an investigation.

Mr. Dalby states, in effect, that he did not want me arrested except as a last resort, and, as I recall it, that Mr. Miller should not have taken the action that he did. Possibly it was a "blunder" from Mr. Dalby's point of view. I took the precaution to have the incident made a matter of record in order that there could be no question in future as to the result of my effort to go over the reservation, in anticipation of just such a controversy as the matter has caused.

If it had not been put in documentary form, there might now be a dispute as to whether I actually got to the agency or not. I fail to see how this record puts "the Department in a false position," even if it is difficult for its subordinates to explain away the incident.

The matter has been submitted to the Secretary of the Interior for such action as he may see fit to take in the premises.

Incidentally, I would call attention to the fact that this attempt to discredit me is in keeping with the attacks that have been made on all those whom I know of (outside of official circles) who have sought to secure a fair hearing for the Crow Indians.

The CHAIRMAN. Mrs. Grey, have you any further statement to make?

Mrs. GREY. It is not a statement, but simply denials of some statements made by Mr. Dalby yesterday.

The CHAIRMAN. You may proceed.

Mrs. GREY. Replying to Mr. Dalby, he is right in saying Lodgegrass is nearer Gordon's than Wyola, as I stated. I did not go to Lodgegrass, as it is the place of the trader's is there and I wished to return as quietly as possible to Gordon's and so wrote the Indians, who met me with a carriage at Wyola. I believe the session of the grand jury referred to by Mr. Dalby at which I said I should have been presented was ended July 12, about a week after the conversation.

The arrest I refer to as the "fifth arrest," I was placed under $300 bail. I gave the bail and was immediately arrested by service of the next charge and the bail fixed at $1,500. I attach my card to show that at this time I considered Wyoming my home. I had been subjected to such a deluge of slander (see letters of Mr. Dana and Mr. John Kendrick) that I preferred to remain in as private a place as possible. Add to this that my business had been killed and I was without funds to leave the country at the order of the Department of the Interior. A policeman was stationed most of the time at the reservation gate to arrest any Indian who attempted to come to me and I did not encourage them to come, as I knew it would only make them trouble.

The statement that it took me three days to go the 30 miles is found in his report. I have neither the report or my exact words, but I refer to his statement that I made a trip with Joe Cooper agitating my cause among the Indians and that if we had not passed streams the horses would have had no water, we not giving them food or rest during this time. A statement absolutely false in every particular whatsoever, as we did not make any such tour or have George Pease's horses, except in returning, a drive of perhaps 20 miles, as we came over the mountain trial. I wish to state that I was on the reservation working very hard at my writing; that the trouble of the Indians was a distraction to me which I had neither time or interest myself in taking up, but that I simply could not get away from it. I had just recovered from a long illness and was not inclined to waste either time or money from my own affairs. I could not refuse to hear and I could not pass what I heard and what I saw.

As a letter from Judge Lindsey has been referred to, including a possible unwillingness on his part to have it used in the files, I submit the letter in evidence, not feeling I am taking an undue liberty with a personal letter from a friend, as he has written many letters to those interested and shown in every way his appreciation of the situation. As to the letter Big Medicine used with the Indians at the grand jury, I suggest that some one may have produced some letter purporting to have been written by Secretary Garfield to Big Medicine and that it

was delivered to Big Medicine on his way to Helena, as this letter referred to, I am told, ended "this letter is written at the request of Mr. Dalby" and was given to Big Medicine some eight months after the letter referred to as having been sent by Secretary Garfield to the headmen of the Crows.

Two items I passed in my notes to which I make reference; one, the accommodating epidemic of smallpox that descended when I might want witnesses, after Mr. Reynolds had taken his off; that continued with such rigor that Mr. Mills was dismissed, as he had been warned, because he sold tickets to Helena for the grand jury to Hides, Wet, and Strikes; that lifted its terrors again when Major McLauchlin was ready to hold a general council, and settled down again with terrible severity immediately afterwards. No authentic case of smallpox could be located, so far as I have been able to find out.

The second item is that letters and telegrams of mine have been interfered with continually. Mr. Dalby had information as to the telegram to Mr. Huntley, a private personal telegram; Mr. Huntley did not receive the telegram in time to reach Lodgegrass, and the train did not make its usual stop there when he did come. Mr. Huntley is the editor of the Sheridan Post and was introduced to Mr. Dalby by me the first night he arrived at Sheridan in connection with a story the Lodgegrass trader, Mr. Stevension, had attempted to publish about me. Mr. Huntley considered the matter confidential and at all times kept faith. I sent for him to come, as I believed I should need a witness of the coming meeting and knew Mr. Dalby could have no objection to him.

The other telegrams, not sent, were in my traveling bag when I was arrested by Mr. Dalby, he ordering Alex Upshaw to go through my trunk and baggage, I being under arrest, which Upshaw did do. I have not had trace of the telegrams till mentioned by Senator Dixon here.

I submit the letter of Horace Long Bear as evidence of an order by Mr. Reynolds to intercept mail to or from me on Crow Reservation. This evidence could be given by scores of letters received since my arrest by Mr. Dalby, and includes as well the Billings post-office.

I believe it can be shown that Mr. Booze was ordered to take his cattle off the range immediately after he had written or sent word to Mr. Dalby, I am not certain which, but anyway the order was given and Mr. Booze did take his cattle off.

Clarence Brown, brother-in-law of the agent, was fourth in the list of districts, not first, as stated. Lodgegrass, the "seat of war," was first, taking nearly all the prizes at the fair—utterly discrediting the repeated statement that on account of my "agitating" the work was neglected.

Upshaw did act as interpreter for the Lodgegrass council, but because I put him in at his request made that day. He spoke more readily than Horace or Joe Martinez, the interpreters chosen for the council by the Indians, but it was with the open understanding that Joe and Horace sat with him to watch him, as he is not and never has been trusted, nor do I believe he was at this time a member of the C. I. L., as many who were not members were present. There are doubtless other minor matters, but I have no printed hearing reports

and feel these contradictions have been sufficiently drawn out, and shall make no further statement unless obliged to do so.

Now, there was one statement that I made and that was that I had very much trouble with my mail. I want to submit a letter from Mr. Horace Long Bear that I have just received in corroboration of that. It also covers the fact that he did not receive my letters that I sent from the jail. That is all I care to say.

The CHAIRMAN. The witness here offers the following letter, which will be properly identified and received in evidence.

The letter is marked "Exhibit Grey No. 1," and is as follows:

LODGEGRASS, MONT., *April 3, 1908.*

MY DEAR HELEN GREY: I got your letter some time ago, but I could not answer right away, because I can not mail it in the post-office. Reynolds has given an order to the Indians not to write to you. So I come to Lodgegrass to answer your letter, and I can mail it myself on train. We send 160 signatures to Mr. Sniffen about three weeks ago. I suppose he got it by this time. Joe Cooper is on road to Washington, D. C. He start it two days ago. You must look out for him.

I can't go now; they watch me close, it's a fact, not because I am afraid to go. But if you called for me I will go. But now it's no away that I can get out. You must tried to get the Congressional investigation into our affairs, for we do earnestly want. In the case if you alaw to call for some of us you called for Spotted Rabbit, Holds the Enemy, Packs the Hat, Joe Martinez, and I. Do not forget these names I give. Do not get discouraged, you got just cause, and C. I. L. depended on you.

Now hereafter when you write to me you must not use well-knowen hotel envelopes, and you must tried change your handwritting because all postmasters here knows your writing.

C. I. L. are stronger as ever. You must let me know how things going over there. Tried get me Dalby report if you can.

Hope you sussee in your work.

God bless you and protect you.

Sincerely, HORACE LONG BEAR.

Mrs. GREY. I desire to offer also the following paper.

The CHAIRMAN. It will be received in evidence and properly marked.

The paper referred to is marked "Exhibit Grey No. 2," and is as follows:

LODGEGRASS, MONT., *May 3, 1907.*

President ROOSEVELT,
White House, Washington, D. C.:

Inspector recognizes Indian request that I represent them during investigation May. I choose one interpreter, agent has same privilege; also president of lodge to assist. The Indians have not stopped for dances or to bury dead during week I have been with them, yet have not witnesses to begin Sunday as requested. May we have five days' extension? May I go elsewhere than agency if evidence may be obtained?

[No signature.]

The CHAIRMAN. Mr. Dalby, if there is any further matter introduced you may reply to it.

Mr. DALBY. In regard to Mr. Sniffen's statement, I do not care to discuss or argue the controversy, and I will submit in connection with the letter of Mr. Reynolds to Mr. Miller Mr. Miller's reply as to how he actually received and met Mr. Sniffen.

The CHAIRMAN. Have you those letters with you?

Mr. DALBY. Unfortunately, I was discussing them with the Secretary, and they were misplaced; but I will submit them with the other papers. The question was under discussion, and he asked me to find them, and I did; and they are being copied, and I will submit them in

their logical order with the other papers that the Secretary will submit.

As to Mrs. Grey's statement, I really do not care to make any comment.

I would like to amend a statement that I made yesterday in a slight particular. I said that, according to my best knowledge and belief, Mr. Edwards had been in Helena only once during the session of the grand jury. I recall that he was there a second time, some time in January, and I saw him and had a few minutes conversation with him in the office of the Grandon Hotel.

In regard to the statement, Mr. Chairman, which you invited me to make yesterday in comment upon the record, I regret to have to state that, on account of having to go through all these papers in order to get the record in shape to be submitted, I have not had time to go through the entire record; but I have read, I think, some 50 pages. One or two matters have been called to my attention further on, one of which I wish to make some statement regarding; it is the statement of Mr. Sniffen. As to Mrs. Grey's statements, I wish briefly to point out their general character.

I have not yet been able to examine the record completely, and I am not prepared now to make that statement, but I will do so if the committee wishes; make some further and more detailed statement in connection with it; but it is probably unnecessary, in view of the testimony which I gave yesterday calling attention to these matters. But I would like to call attention to one matter in the face of the record which I have noticed, and which is similar to the matters that I alluded to as having occurred at the meeting with the Indians, where Mrs. Grey, I saw, by putting her own statements together, was dealing in bad faith. I read from the record at page 56.

Mrs. Grey says:

> It is not a new thing; it is the same thing that is contained in affidavits that I have that it has been tried before this on the Crow Reservation. It is not something new.

Further down on the same page, referring to that same matter, the following occurs:

> Senator OWEN. What evidence have you? Is that statement in the form of an affidavit?
>
> Mrs. GREY. I can get all the affidavits you want.
>
> Senator OWEN. I am not talking about what you can get, but what you have.
>
> Mrs. GREY. No, I have not; I have not been allowed to go back there. I have talked to Joe and he said he would get it at any time I wanted it. I have written a good many letters on the subject, but I do not seem to get any replies.

I would like also now to make a statement in regard to the record as it appears on pages 45 and 46. In that connection Mrs. Grey has charged Mr. Rasch with refusing to summon witnesses; that is, to summon hers; and with other misconduct. In the absence of Mr. Rasch, which I regret, I would like to have the privilege of stating my knowledge of that situation.

It became known through one of the grand jurymen, as I understood from Mr. Rasch, that Mrs. Grey wished the grand jury to summon her before it. Mr. Rasch pointed out that as a matter of law this would be impossible, because it would invalidate any indictment that might result from the hearing.

Senator DIXON. She being the defendant?

Mr. DALBY. The defendant in connection with the charges against her, not in connection with the charges which she had made; it was a separate and independent matter. She desired to be called in her own defense. Mr. Walsh, her attorney, made the request of Mr. Rasch to have her summoned, and Mr. Rasch made the same explanation to him, and Mr. Walsh understood immediately and said he would make the request. The request was made formally and signed by Mrs. Grey, and upon her written request, which is a part of the files in connection with that grand jury hearing, Mrs. Grey was invited to appear. She further states that the witnesses that she wished summoned were not summoned. I do not know of the name of any witness being suggested in connection with any allegation of a criminal matter and that witness not being summoned. Mr. Rasch told me that he had summoned every witness that had been suggested in any such connection. While this statement does not cover the full situation, I think it is sufficient.

My attention has been called to the following, which appears on page 101 of the record:

Senator DIXON. Has Mrs. Grey been in the employ of the Indian Rights Association?
Mr. SNIFFEN. No, sir.
Senator DIXON. She has received no money from them?
Mr. SNIFFEN. No, sir: she has received no money from them.
Senator DIXON. Who is she acting for?
Mr. SNIFFEN. She is acting on her own responsibility.

I read from a letter of Mr. Sniffen, dated Helena, Mont., February 12, 1908, addressed to Mr. Server.

Senator DIXON. Who is Server?

Mr. DALBY. Mr. Server is the hotel keeper at Crow Agency and was one of Mrs. Grey's witnesses. In that letter he says:

Mrs. Grey is as free as a bird, for which we are thankful. That is the blow that "almost killed (the Great) Father," and I guess he is awfully disappointed. Mrs. Grey will probably leave here to-night for Minneapolis. I got the authority needed to send her off in good shape and with no debts behind.

I have read that portion of the letter from a copy of the letter. The original is here and subject to inspection.

The original letter having been submitted to the chairman—

The CHAIRMAN. Mr. Sniffen, is that your signature?

Mr. SNIFFEN. Yes, sir. If that is offered in evidence, will I have an opportunity to make an explanation?

The CHAIRMAN. The letter will be received in evidence.

The entire letter appears in another part of this record. (See "Exhibit Z. L. D. No. 3," p. 791.)

Mr. DALBY. Perhaps I should explain how that letter came into my possession without waiting for a question upon that subject. Mr. Server, as was stated by Mrs. Grey, was, I think, on the 24th of January, before the grand jury, and after he had completed his testimony he came to me and stated that Mrs. Grey had sent for him repeatedly to come and see her, but that he had not been to see her, but that he had now finished with his work before the grand jury and he supposed they were through with him, and if I thought well of it he would go to see her, and I said "All right, suppose you do; you are a good listener and closemouthed, and what you find out may be of value." I will supplement that by saying "of value in the achievement of justice to the Crow Indians." He did attend Mrs. Grey's conclaves with her followers, and he informed me of their proceedings,

and I am prepared, if that question is brought in issue, to be responsible for the appearance of Mr. Server. Mr. Server, of course, can be brought before the committee, if it desires.

Mrs. GREY. Mr. Dalby does not say where he got that letter.

Mr. DALBY. It was in pursuance of this arrangement that this correspondence arose. Mr. Server sent me the letter. I did not rob the mails to get it, Mr. Chairman.

Mrs. GREY. Mr. Server wrote me that he had not received that letter, and I have other letters that I would like to put in evidence from Mr. Server.

The CHAIRMAN. Mrs. Grey, if any new matter is introduced here this morning you will be given an opportunity to reply to it. Mr. Dalby, you may proceed.

Mr. DALBY. I do not care to make any further statement except in reply to what she has said.

The CHAIRMAN. You may proceed as you see proper.

Mr. DALBY. I am through.

The CHAIRMAN. Now, Mr. Dalby, you were away when this hearing began. You reached here Wednesday morning.

Mr. DALBY. On Wednesday morning a little before 9 o'clock.

The CHAIRMAN. The committee recognizes the fact that in the time you have been here you have necessarily been very busy. The committee is not disposed to shut you off, and there will be one more formal meeting of this committee, to-morrow morning at half past 9, at which you will have to be prepared to complete your statement. At that time if any new matter is introduced, including the new matter you have introduced this morning, Mrs. Grey and Mr. Sniffen will be accorded an opportunity to reply to it.

Mr. DALBY. Mr. Chairman, in view of what I have already stated, I am quite willing to waive that.

The CHAIRMAN. That rests entirely with you.

Mr. DALBY. I have no desire to extend this record unnecessarily.

The CHAIRMAN. The committee recognizes the fact that you have been very busy since you have been here, and notwithstanding these hearings have been prolonged, if you have the slightest desire to take to-day and this evening for further examination of the record, it will be cheerfully accorded.

Mr. DALBY. That I will do to the best of my ability. My only motive is to make the record clear. If there are any points in it that I can make clear I will try to do so.

Senator CURTIS. It has been charged here that there is but one big bath tub in the school and that the boys who have sore eyes and sores on their faces all use it just alike. I understand that the same is true with respect to the girls.

Mrs. GREY. No; not with the girls. The girls' matron is one of the finest women in the Service.

Senator CURTIS. What did you find as to that, Mr. Dalby?

Mr. DALBY. I had Mrs. Grey's charges before me, in which she alluded to that matter, and when I was at the school I made particular inquiry as to the bathing facilities, and examined the facilities in the boys' toilet room, or rather the boys' bathroom, or, I should say, a large room in which there were, I think, two tubs, but I am not sure whether there was more than one—an old iron tub.

Senator CURTIS. My recollection of the testimony is that there is but one and that that is an old iron tub.

Mr. DALBY. Major Reynolds probably knows——

Senator CURTIS. But you investigated?

Mr. DALBY. I do not recall at the moment whether there were two or one, but there were not more than two, and I am inclined to think that there was but just one in that room.

Senator CURTIS. How many boys are there?

Mr. DALBY. I think there were about 40 or more.

Senator CURTIS. What was the condition with reference to sore eyes or eruptions on the face generally among the boys.

Mr. DALBY. Well, I did not notice that there was any very great prevalence among the boys or the girls, or among the boys as distinguished from the girls, in that regard, but there was in some cases evidence of venereal disease.

Senator CURTIS. Among the boys?

Mr. DALBY. Boys and girls; I mean scrofula, which, of course, may come from inheritance or contagion. I would like to complete the statement with regard to that.

Senator CURTIS. Go ahead.

Mr. DALBY. I inquired as to the sufficiency of these facilities, and they told me that on account of the number of boys they put in two or three at a time of the smaller boys with the larger boys with them, I think, and that they probably bathed, some of them, together, in the same water, at the same time, in the bath tub. I consulted the physician about this, and he stated to me that the facilities were shamefully inadequate; that there should be not only more bath tubs, but that there should be shower baths, and in my report I submitted as an exhibit a memorandum prepared at my request by the physician upon that subject, and I recommended that steps be taken as soon as possible to remedy that defect, and provide sufficient bathing facilities, and I am informed that such steps have been taken, and that such facilites have been provided, or are now being provided.

Senator CURTIS. I would like to ask you if it is a fact, as charged, that when you subpœnaed before you boys who were attending the school, or Indians from the reservation, and if they hesitated to testify freely, you threatened to put them in jail if they did not answer all your questions?

Mr. DALBY. There is one incident that gives some color to that statement, and only one. I will describe that. Some time in July, I think it was—I can determine the date with accuracy, but that is probably immaterial—Mr. Burgess, in conversation with me at my room, stated that he had reason to believe that the Indians had not talked freely with him. I questioned him as to the basis for this belief, what Indians had told him this, and after careful inquiry, he, I think, limited his statement entirely to two Indians, one a boy named Takes A Wrinkle—and when I say a boy I do not mean a schoolboy——

Senator CURTIS. You mean a young man?

Mr. DALBY. A young man; and another named Tommy Gardiner—I think that is his name. I sent for Tommy Gardiner, and I do not recall just now whether I sent for Takes A Wrinkle, but I think on inquiry I found that he was not available or was not where I could get at him conveniently. Tommy had been a Carlisle boy and was

fairly well educated; he understood English; he did not require the aid of an interpreter. I asked him whether he had stated that the Indians had complaints that they had not told me about, and he said that he had—I must make this statement with some care, because it is a matter that I have not thought of in some time, and I am not quite sure that my recollection is distinct on the subject, so pardon my deliberation.

I asked him why he made such a statement, and he said, as I recall, that some of the boys had been talking about it, and I think he referred to Takes A Wrinkle. I asked him if he had any matters that he wanted to state to me that he had not stated. He said, yes, he had some, but that he was not going to state them. I said, "Now, Tommy, of course I do not want to force you to talk all the matters over, not by any means. Are they matters that are worth telling in the interest of the tribe?" He said he thought they were, but that he did not have confidence in me; that I had been associating too much with the agent, and for that reason he did not think he would tell me. I said, "All right, Tommy, I will commit you to the guardhouse for contempt. You can think about that, and if you want to tell me, you may, and if you do not, I will send you to the guardhouse." Tommy reflected a few moments and he told me, and the matters that he told me I investigated carefully and reported upon them in my report. I do not remember all of them.

Senator CURTIS. I do not ask you to state that. I just want you to state the facts.

Mr. DALBY. May I state generally the character of them?

Senator CURTIS. If you want to.

Mr. DALBY. I would like to. The statements were of a very trivial nature, as Mr. Burgess acknowledged immediately; that the matters really did not deserve any consideration whatever. Now, the reason I state that is this: In my report I state distinctly that I believe wherever the Indians had anything that they really thought was worth stating, they stated it to me, and I still believe it.

Senator BRANDEGEE. Were there other Indians beside this Tommy Gardiner who told you that they did not have evidence for you?

Mr. DALBY. Joe Cooper declined to make any statement to me in regard to his own complaints, of his own initiative. He replied to the questions that I asked him. I several times said to Joe that if he had any matters that he wanted me to go into I would be glad to go into them and find out what there was behind his complaint, but he declined to make any statement upon that subject.

Senator BRANDEGEE. Were there any others who declined upon the same ground?

Mr. DALBY. There was one other.

Senator BRANDEGEE. Who was he?

Mr. DALBY. There was one other who stated that he had complaints that he would not tell me about, and that was Jim Carpenter.

Senator BRANDEGEE. How many other Indians told you that they did not have any confidence in you, irrespective of whether they told you?

Mr. DALBY. I do not recall any.

Senator BRANDEGEE. Do you think generally that they did have confidence in you?

Mr. DALBY. I am quite convinced of that. There was one other who did not talk, after saying that he would not talk until there was a big council. Whenever the statement was made to me I said frankly, "There is not going to be any big council, and if you have anything to say, now is the time," and in most cases I think where there was anything to say they talked with me. In one case the position was adhered to, and that was in the case of Packs the Hat. I think I have stated everything in that connection.

Senator BRANDEGEE. Do you think if another agent was sent out there he would do any better than you have done?

Mr. DALBY. Perhaps I ought not to be required to answer that question, but I can say, waiving the question of egotism, that I do not think he could.

Senator BRANDEGEE. You think you found out all the complaints that the Indians had, except those of a very trivial nature?

Mr. DALBY. I do; and the personal complaints of those two men, Joe Cooper and Jim Carpenter. They have finally declined to discuss them with me.

Senator BRANDEGEE. How much truth is there in the statement that some of those Indians made to you that they did not have confidence in you because you had been associating with the agent too much?

Mr. DALBY. Do you mean truth as to whether they had confidence in me?

Senator BRANDEGEE. No; truth as to the intimacy of your association with the agent, and whether it was calculated, in your opinion, not to destroy the confidence of the Indians?

Mr. DALBY. I went to the agent the morning after my arrival at Crow Agency and told him I had come there to investigate him, and he said, well, he was open to investigation, and I proceeded at once to make the investigation. My association with him was entirely in connection with the investigation. A few days after that—perhaps the very same day, I do not recall—Major Reynolds invited me to his house. I replied that while I appreciated his invitation and the courtesy which prompted it, I had come there for the purpose of investigating him, and that if I found it necessary to report adversely to him I did not wish to be embarrassed by having accepted his hospitality; on the other hand, if I found, after making my investigation, that I should clear him, I did not want to be subject to the criticism that I had accepted any favors of him. This characterized my attitude toward Major Reynolds throughout until I had satisfied myself and had reported finally to the Secretary of the Interior that Major Reynolds was not guilty of the things that he had been charged with, and then I associated with him in a friendly way.

Senator CURTIS. In what condition did you find that jail? It has been testified here that it is a rotten, dirty old hole.

Mr. DALBY. It is the most abominable place that you can imagine. The place was originally constructed for a stable.

Senator CURTIS. Are Indians confined in that guardhouse?

Mr. DALBY. They are; there is no other place to confine them.

Senator CURTIS. Are white people put there, too?

Mr. DALBY. Sometimes; I do not know of any white people being put there except such as were of a character really inferior to an Indian.

Mrs. GREY. Such as Mrs. Grey, for instance.

Mr. DALBY. Mrs. Grey was never put in the guardhouse.

Mrs. GREY. It took about three hours to bluff Reynolds from putting me in there, though.

The CHAIRMAN. But you were not put in there?

Senator BRANDEGEE. Are Indians confined in this building in cold weather?

Mr. DALBY. They are.

Senator BRANDEGEE. Is the building heated?

Mr. DALBY. The building has a stove in it, but no chimney; the stovepipe goes up through the roof, so there is danger of fire. Well, I lack language to characterize the situation. I stated in my report what the situation was and recommended that a new guardhouse be built as soon as possible, and that is now being built.

Senator BRANDEGEE. Is the building sufficiently heated?

Mr. DALBY. Yes, sir; it can be sufficiently heated, but there is danger of fire in doing it.

Senator BRANDEGEE. I mean is it sufficiently heated by this one stove now?

Mr. DALBY. I can not answer that. I have not heard any complaint on that subject.

Senator BRANDEGEE. Aside from the insufficient character of the building, what privations or sufferings do the inmates have to endure?

Mr. DALBY. The privations and sufferings that they endure are entirely incident to the character of the accommodation.

Senator BRANDEGEE. What is the nature of the privations and sufferings?

Mr. DALBY. Well, if there were several prisoners to go in there the accommodations would be most uncomfortable for a white man. In view of the habits of the Indians in living close together huddled in tepees, it is probably not as uncomfortable for them as it would strike us as being, but it must be uncomfortable and insanitary.

Senator BRANDEGEE. Do they get sufficient food?

Mr. DALBY. They do.

Senator BRANDEGEE. Are they crowded too much together in the same cells or rooms?

Mr. DALBY. Under such conditions as I have referred to, and if it becomes necessary to have men and women in the guardhouse at the same time—it is necessary either to have the women out at one of the policemen's houses, which has frequently been done—they would lock the men or the women in the cells, leaving the others free. The guardhouse is somewhat in this shape [indicating on paper]. There are, I think, three cells like that [indicating], and this space is open. These are locked.

Senator BRANDEGEE. Are these deficiencies, both in the building and in the manner in which the building is operated, within the control of the agent to remove?

Mr. DALBY. I really do not know. I took that question up with the agent, and said: "You ought to have made a recommendation for a new guardhouse." He said that they had shut down on him on buildings, and I made the recommendation myself. At the moment I do not recall whether Major Reynolds had ever taken up the ques-

tion with the Indian Office of building a new guardhouse. He can answer as to that.

Senator BRANDEGEE. Somebody, if my recollection serves me, testified that the sexes were mingled in that building in a way to induce immorality.

Senator CURTIS. That was my recollection.

Mrs. GREY. They are.

Senator BRANDEGEE. I did not ask Mrs. Grey; she is not testifying. Mr. Dalby, what do you say about that?

Mr. DALBY. I made very careful inquiry into that subject of all the policemen and of all who had any possibility of knowing as to that, and I was unable to find any evidence of that ever having been done. I may state that that subject is treated in my report.

Senator CURTIS. And your report has been made a part of the record?

Mr. DALBY. Yes, sir.

The witness was thereupon excused.

ADDITIONAL STATEMENT OF HON. FRANCIS E LEUPP, COMMISSIONER OF INDIAN AFFAIRS.

The CHAIRMAN. Mr. Commissioner, was there anything that you desired to say for the record?

Commissioner LEUPP. If the committee will pardon the encroachment on their time, I would like to make just a few concluding remarks of a more general character than I made before.

The committee are perfectly aware from my former testimony and from the records of the case generally, I assume, why I have taken no part in this investigation. I have kept resolutely out of it. As I stated the other day, I have not even read Mrs. Grey's written charges or the report of Mr. Dalby through. I have not read hers at all, and I have not read his report except those passages that the Secretary has asked me particularly to read over. The fact that I have kept so far out of it has not absolved me, it appears, from certain allegations and insinuations, which seem to group themselves under three heads—first, my incompetence; second, my indifference or tyranny in dealing with Indians, and third, my obvious faithlessness to my trust, as shown by the associations I have kept.

With regard to my incompetence, I much prefer that others should judge. I have no plea to make in my own defense in that respect. I did not seek my present office; it was pressed upon me against my preferences. There was no politics in my appointment, because, so far as I am aware, the President to-day could not tell you what ticket I had ever voted at any election, or what party I had ever supported in anything. I accepted the office with many misgivings, and I shall give it up without any, at any moment when my conduct of it is not satisfactory to my superior officers. So I waive that point.

Now, we come to my indifference or tyranny, whichever view you may be pleased to take of it. As to my indifference, I will say that no Indian, and no person representing an Indian, has ever presented a claim to me for a hearing, or ever made a complaint of wrongdoing at any point in the Service—and when I say that I want you to understand that I have a pretty large group of persons under

me, 300,000 Indians to take care of and more than 5,000 employees in the field—that I have not listened very gladly and made as prompt an investigation as the circumstances would permit.

Moreover, I have always been perfectly willing, at any time when my judgment was deemed at fault, to listen to any argument that was offered, and I have never failed to change that judgment when I have been convinced that I was wrong. If I remember aright, one of the first collisions that I had in a matter of judgment was with the chairman of this committee——

The CHAIRMAN. I remember it.

Commissioner LEUPP. In a matter which he probably remembers as well as I. We had a long discussion over it, and I have since, I am perfectly frank to say, come to the conclusion that he was right and I was wrong on the main principle involved. I have never failed to make a concession whenever there has been a case which took that form. While I do retain in my office, however I want to have the committee understand—just as I have always given the public to understand—that I shall exercise it without fear or favor, and to the best of my knowledge and understanding; and I shall continue to do that whether I am accused of tyranny, or incompetence, or dishonesty, or anything else.

Now, we are obliged, in Indian administration, to make a very decided distinction between a closed reservation and an open reservation. A closed reservation is one in which the allotments have not been completed and the surplus land thrown open to white settlement. There, owing to a system which the white people of our generation have inherited—we did not establish it ourselves—we have to maintain a sort of little czardom, in which the agent is obliged to assume some of the functions of the Czar. The collisions liable to occur at any stage between the local authorities and the Federal authorities as to the jurisdiction on the reservation, for example, makes that practically imperative. We have, therefore, clothed our agents in the field, under those conditions, with general authority, one feature of which is the removal from the reservation of disorderly characters, ranging all the way from mere wanton mischiefmakers up to bootleggers and general criminals. We uphold an agent always in assuming such authority until it is shown that he has exceeded it in some way, or has exercised it in a needlessly brutal or otherwise improper manner. It would be as wrong, in my judgment, to desert a subordinate whom we believed to be faithful in the performance of his duty until he had been proven guilty, as it would be to refuse to consider him in the light of a possible wrongdoer when so accused. My rule has always been never to refuse an investigation which was backed by any responsible person in obvious good faith, and with any authority whatever for his statements; furthermore, I never defend or protect an employee from punishment who has been proved to be doing wrong.

Reference was made yesterday to an expression in the letter, which I wrote Mrs. Grey, in which I spoke of my policy toward Indian witnesses. My statement was that I treated them as I did white witnesses, with respect to requiring that they should not put in wanton or foolish charges—I have forgotten the exact expression, but it will be found in the record.

I want to say with regard to that that it seems to me the only rule that is possibly applicable to cases where investigations are in progress. If you let white people babble all they wish and then proceed to punish them if they have sworn falsely, and you let every Indian witness go without punishment if he swears falsely, you simply encourage the Indian in what I think has been altogether too much encouraged in times past—the sense of total irresponsibility.

I made an investigation, at the President's own request, in 1903, on the Kiowa Reservation. At the end of the investigation I brought before the grand jury the cases of eight persons who were charged with perjury; four of them were indicted. Of the others, if I remember aright, one died; one was indicted for murder, and I told the district attorney that in that case he could carry out a more effective punishment than I; and two others fled to Old Mexico and escaped prosecution.

Senator BRANDEGEE. Were those all Indians?

Commissioner LEUPP. They were Indians and whites; I made no distinction.

Senator BRANDEGEE. Those eight people that were indicted, I mean?

Commissioner LEUPP. I say, they were Indians and whites. I have forgotten what proportion, but I think about half and half.

Senator SUTHERLAND. But only four, you said, were indicted?

Commissioner LEUPP. Only four were indicted. Eight were presented for indictment, but the others got away in such a way that the grand jury thought there was no use of pursuing them any further. The only distinction I made between the Indians and whites in this connection was that I made a little more positive my warning to the witness, before he began to testify, that he was now under oath, and thus in the most solemn position any person could be placed in; that every word he was going to say would be taken down, and that he was liable to a term of imprisonment if he were guilty of perjury. I felt that the white men already understood that thing pretty well, and I gave them simply the briefest warning; with the Indians I went more particularly into all the consequences.

I mention this case simply to show that I make no discrimination whatever; and I do not propose, until the law compels me to do so, ever to make any discrimination between an Indian and a white man, further than to give the Indian a little more elaborate warning of what will happen to him in case he testifies falsely.

Sentor BRANDEGEE. In this elaborate warning that you give you do not, do you, make it so emphatic as to make the man afraid to testify as to any wrongs?

Commissioner LEUPP. Not in the least. I tell him he will be amply protected if he tells the truth, but he must be careful to tell only those things which he is assured are the truth. In this Kiowa case, to which I have referred, the statements made by the witnesses were sometimes obviously on information, and then I would ask them: "Do you say this of your own knowledge, or do you say it because some one has told you?" And when they answered that some one had told them, I said, "That is ineffective;" but I never counted that against the witnesses as perjury, because I understood perfectly that I was dealing with ignorant men.

We are obliged sometimes even to resort to such lengths as the use of troops on reservations which are closed. The Indians are not citizens; the country in which they operate is perhaps totally undeveloped; there are no adequate facilities there for administering justice in a civil way. Such cases we present always to the President himself and ask him for his judgment before doing anything; and then, if he says to go on and ask the Secretary of War for a detachment of troops, we ask it. That is a last resort, which is never adopted except in extreme emergencies.

Now, one reason why I have been so particular with Indians about their testimony in cases involving reputations is that the Indian code of ethics differs from our own. Everyone who has been familiar with Indians for many years, of course, knows that. They do not realize as we do the seriousness of an accusation against character. They will tell me, "So-and-so has lied," or, "So-and-so has stolen our money." When I come to question them, I find that there is no reason for this—that they have simply been suspicious, after the manner of Indians. An inspector or other visiting officer, for instance, goes to a trader's store to get a check cashed. Some Indians are not accustomed to this process, see the merchant handing across his counter a roll of bills to the inspector. They know what the bills are, and immediately assume that that inspector has been bought by the trader. That is the Indian view of it, at least in the case of the more ignorant class who live remote from civilization. For that reason I have felt it most important to impress upon the Indians that everybody has a right to his good name, and that to attack it is a very serious matter, for our good name is all that some of us have.

I have never denied an Indian tribe a statement of account when it has been asked—when it has been brought to my attention, certainly, and I assume that such things are, uniformly brought to my attention. I have always given it. Sometimes the Indians can understand it, and sometimes they can not; Government bookkeeping is an elaborate business at best. I have been three years trying to simplify it in my own office, and have only recently got it into better shape; but I give the statement of account to them so that they can take it and show it to anyone who can help them to understand it, if there is anyone in whom they have special confidence on their reservation. It is in the same line that I have always followed a practice of the utmost publicity with regard to all we were doing with the Indians. In the Sioux reservations, for instance, where I find some very good interpreters among the missionary element, I have any order which we issue posted up, both in the English and in the Sioux language, so that there can be no misunderstanding among the Indians which it is possible to avoid. I have done the same thing with some of the Chippewa tribes when I have had the opportunity.

Now, I come to the final charge, which is that of faithlessness to my trust. Mr. Chairman, I am in my sixtieth year of age. From 1872 to the present time I have been a magazinist and a journalist, in the full view of the public eye; yet in all that period, up to the present incident, I have never had such a charge laid at my door. I was for more than thirty years connected with one newspaper—perhaps the most severely critical newspaper in the United States, the New York Evening Post. I was there for several years as an

editor on the home staff, was correspondent in Washington for a long period afterwards, and in the interval at another point. At the close of my service, which was very much against the wishes of my employers, I was presented with a souvenir which I shall always cherish—a beautiful loving cup, in expression of the appreciation of the trustees of the newspaper—as they were kind enough to express it—of my "long, faithful, and distinguished service." During the larger part of my career as its Washington correspondent I was in disagreement with the paper in its views; nevertheless, it not only allowed but encouraged me to send my own views under my own signature right along, and I am simply wondering whether a person who is capable of being faithless to a trust would have enjoyed that sort of confidence so long.

It is the same with my magazine connections. The editor of the Century, the editor of the Outlook, the editor of Scribner's, the editor of the World's Work—indeed the editor of almost any of the great magazines—will tell you what my reputation was in that field. If I had been faithless, or capable of being faithless, to the trusts imposed in me, it seems very strange that what has actually happened could have happened—that is, that instead of having to go about peddling my wares, I have had them asked of me by publications of the description I have mentioned.

The mail of my office—the official mail—runs to the extent of about 124,000 letters a year, the most important of which are brought to my personal attention. Besides these there comes a large stack, by every post, of private correspondence, because I have encouraged every Indian and every employee in the whole field to feel that he can come to me with his problems and troubles freely, under my own name. At the same time those letters have been where anyone in my office could pick them up; and when I am away from the city, or am absent from the office for a day, they are all opened with the same freedom that the official mail is. The same condition prevails at my home. If I had anything to conceal, in any shape or form, from any human being is it not singular that I should have encouraged that perfect freedom with everything?

I have not a book or an account in the Indian Office that is not at the service of any person who has any right whatever to look into it. The rule has been: Let in the sunlight and fresh air everywhere.

Now, with regard to my relation with the railroads, which I believe has been made the subject of some little discussion. I have the distribution of an immense amount of freight traffic every year. My rule, as any of my subordinates can testify, is that it shall be distributed pro rata, but no favoritism shown in any direction. I have a good many personal friends and acquaintances in the western railroad field. A large part of my business, since I have been in office, has been to turn down their requests for this and that. When I came into office a number of these gentlemen were kind enough to extend to me the courtesies of their roads, with the request that I would use them. I had two courses open to me. One was the sensational mode of meeting such a situation by writing a flamboyant letter and saying, "You have insulted me by sending me a pass;" the other was to do just what I did do—put the pass into a pocketbook, where it has quietly remained to this day, and write the sender thanking him for his courtesy, simply. I was obliged to assume, in self-respect,

that nobody intended to insult me by offering me a thing of that kind with a notion that it was going to affect in the slightest degree any decision I might make or any distribution of business.

Senator BRANDEGEE. You mean, you did not use the passes, I understand.

Commissioner LEUPP. No, sir; they have remained just where they were then placed.

Senator BRANDEGEE. You never have used them?

Commissioner LEUPP. No, sir; I have never used them.

Now, of course, I could avoid—or, at least, I assume I could avoid—criticism on the ground of the acquaintances I keep, by living a life of a hermit and refusing social invitations or the ordinary courtesies and amenities of life, as long as they come from somebody who has money or power. I have never refused to associate with members of the Senate because they were powerful; I have never refused to associate with anybody who had a large amount of money because he was rich. I have chosen my associates without reference to such considerations; and I never felt that I was obliged to lead any other kind of life because somebody might for purposes of his own lampoon or attack me on account of my acquaintances.

As Secretary Garfield is not here to speak for himself, I should like to say one final word as to why—as I understand it—Mr. Dalby was chosen to make the Crow investigation. The question has been asked of me by one of the members of the committee, whether Mr. Dalby had been interested in Indian affairs before the present incident and I said I believed that he had not. The request which I made of Secretary Garfield—which was made entirely voluntarily, in spite of any statement to the contrary on anybody's part, and immediately after my first interview with Mrs. Grey—that he would name a person to make this investigation who, if possible, did not even know me, and whom I did not know, led the Secretary to select the one inspector, possibly, in the service who was not on terms of acquaintance with me. To my knowledge, I had never seen Mr. Dalby until he came to my office to ask me some questions about the Crows. It was "Hobson's choice," probably, with the Secretary. I do not know that it would have made any difference if it had been otherwise, because I know that he respects Mr. Dalby's sincerity and honesty in every possible way; and I wish to offer this added tribute—that no one in my office, who has come into contact with Mr. Dalby has formed any other impression of him.

That I believe, gentlemen, concludes what I wanted to say. I should not have imposed upon your time except that I wished you all to understand the general attitude of my Office and of myself personally toward this entire investigation. I have not engaged in any bandying of epithets, or in any other way lowered my dignity and self-respect, in meeting the sort of warfare which has been waged upon me, and of which this record will bear ample testimony.

Senator BRANDEGEE. Is this what you call a closed reservation—the Crow Reservation?

Commissioner LEUPP. Yes, sir.

Senator BRANDEGEE. How many white people are there within the limits of the reservation?

Commissioner LEUPP. I could not tell you that without running over our records to find out who they are.

Senator BRANDEGEE. Are they allowed to go and come freely without permission?

Commissioner LEUPP. Oh, no; that is to say, there are certain whites there, of course—employees of the service and others, as, for instance, Mr. and Mrs. J. H. Sharp——

Senator BRANDEGEE. Are there any, I mean, outside of the officials and employees of the Government and the licensed traders, or whatever they may be?

Commissioner LEUPP. And any squaw men who may be there—white men married into the tribe.

Senator BRANDEGEE. But no other white men live within the limits?

Commissioner LEUPP. No, sir; not to my knowledge.

Senator BRANDEGEE. What is the civil administration generally—what sort of administration there?

Commissioner LEUPP. Well, it is simply an agent's administration, except when a person violates some statute in a way that can be handled by the civil authorities at Billings, or Helena, or Forsythe, or wherever the jurisdiction lies. Everything is practically in the hands of the agent, and, unless he has to call in some other authority, he exercises it himself.

Senator DIXON. The agent is, necessarily, on a closed reservation, judge and jury and sheriff in carrying out the orders and rules and regulations?

Commissioner LEUPP. Yes, sir.

Senator BRANDEGEE. Are those Indians allowed to have any ordinance of their own by which they assume to punish offenders against their own laws or customs?

Commissioner LEUPP. We have a court of Indian offenses. We have this on a great many reservations; on a few of them they have been done away with because the right men could not be found for judges. We are able to pay our judges a very trifling amount, $7 a month, and if they have to meet often it takes them away from their work, so that the very best class of Indians are often difficult to get for that work. The jurisdiction of the court is confined to drunkenness, and petty theft, and offenses of that kind.

Senator DIXON. It is jurisdiction corresponding to a justice of the peace.

Senator SUTHERLAND. The Indian courts have no authority to deal with infractions of the regulations of your office, have they?

Commissioner LEUPP. Oh, no, sir.

Senator SUTHERLAND. I mean the regulations of the Department?

Commissioner LEUPP. No, except merely administrative regulations as to how an Indian shall behave himself. One of our regulations, for instance, is that there shall be no drunkenness, no indecencies, or other things of that sort. Such matters, of course, are subject to the jurisdiction of the court.

Senator SUTHERLAND. Subject to their own courts?

Commissioner LEUPP. Yes, sir.

Senator DIXON. On the Flathead Reservation they have five judges. The court is a kind of drumhead court-martial; there is no written record; there is no writ issued; there is no formal complaint filed. I remember five years ago the five judges had passed a new regulation of their own that any Indian who was caught drunk should

shes at the hands of their court, to be inflicted by on his bare back.

DEGEE. I would call that a vigilance committee rt.

tor DIXON. The Indians, about a month afterwards, went up nd Oreille River, where they had a Fourth of July dance, and t fellow who was found drunk was the chief justice of the court. remaining members of the court immediately convened court, after hearing his explanation of the matter entered of record the that as long as he was one of the judges who had made this law, he first man to violate it, in his own case they would double the and give him forty lashes. They ordered the Indian police to the judge down, and they laid him on the ground on his stomach took down his blanket and breechcloth and proceeded to inflict nary punishment and to double the dose in that case.

ommissioner LEUPP. May I, Mr. Chairman, interrupt long enough ve another example of the same kind? On the Tulalip Reserva- we had a court which had fallen a little bit into desuetude. The bers of the court were themselves guilty of petty offenses and me very careless as to others, and showed some favoritism with rd to their own families particularly. The agent at last called together and said: "A great many years ago, and in a place over across the big water, there was a judge by the name of us, who, when his own son had committed a capital offense, con- ned him to death. From that day to this the name of Brutus has down the ages with this glorious story attached to it, of duty in the face of sentiment and domestic happiness." He went on to elaborate to some extent, and the judges were very much impressed. A few days afterwards one of those judges rode into the agency, having in front of him on his horse a favorite nephew of his, and also carrying a rifle. He got down from the horse and dragged his nephew, shaking in every limb, before the agent, saying: "Here; him get heap drunk; here gun; you shoot him. Me Brutus." [Laughter.]

Senator BRANDEGEE. Who appoints those Indian judges, such as Senator Dixon has described?

Commissioner LEUPP. They are appointed by the Indian Office on the recommendation of the agent. We assume that the agent will always pick out the men who can handle such cases best.

The CHAIRMAN. Mr. Commissioner, I feel on behalf of myself like saying, with respect to your statement this morning, that it was wholly unnecessary, except in so far as you may have personally desired the statement to be in the record.

Commissioner LEUPP. That was my purpose, Mr. Chairman.

The CHAIRMAN. The relation which my duties impose between your office and mine, together with the fact that there are a great many Indians in my own State requiring constant attention, has led me to feel that it is due you to say, and to put into the record my conviction that a more painstaking, earnest, hardworking, honorable official could not be found, and to supplement the statement with the further statement that that is the opinion of all, so far as I have come into possession of the opinions concerning you and your office during my incumbency of this position.

Senator DIXON. We all of us will second that, I think.

The CHAIRMAN. I think I can say that on behalf of the entire committee, but I desire to say it at least on my own behalf.

Now, Mr Dalby, you may be prepared to-morrow morning at half past nine, you and Mr. Sniffen, to make any statements with regard to anything that has occurred here this morning.

Senator DIXON. I would like to ask one question of Commissioner Leupp. Mr. Commissioner, in referring to these charges that have been made by Mrs. Grey against you and your office, which you say were filed with the President and his Secretary, will you tell the committee whether or not Mrs. Grey, over her own signature, in publicly printed letters in newspspers, has not accused you of being of small and weak mentality, of prevarication and dishonesty—in the Billings Inquirer, that I saw you had a copy of here yesterday?

Commissioner LEUPP. I have forgotten the exact language of the statement made in the Billings Inquirer; and the only authority I have for saying that Mrs. Grey was the author of those allegations is the statement of the paper, corroborated by Mrs. Grey here in the investigation, on page 27 of the report, where Mrs. Grey repeats, in response to an inquiry from Senator Dixon: "If you have ever written for newspapers you will know that you write an article and turn it out, and that is the end of it. You do not remember always what you write. I know the gist of what I said."

I think that is one correct statement that has been made here in accusation.

That is all I care to say, Mr. Chairman.

The CHAIRMAN. You may state where you got that letter that has been referred to.

Mr. DALBY. It was sent to me by Mr. Server.

The CHAIRMAN. Did you get it in the mail?

Mr. DALBY. It came through the mail from Mr. Server to me.

The CHAIRMAN. You received it from the post-office in due course of mail?

Mr. DALBY. I did; yes, sir.

At this point the committee adjourned until to-morrow, April 11, 1908, at 9.30 a. m.

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
April 11, 1908.

The committee met at 10 o'clock a. m.

Present: Senators Clapp (chairman), Sutherland, Curtis, Dixon, and Paynter.

The CHAIRMAN. Major Reynolds, as you are the only witness present, and as I understand you desire to make some reference to the annual reports, it might be well for you to do so now.

FURTHER STATEMENT OF SAMUEL G. REYNOLDS—Resumed.

Mr. REYNOLDS. I desire to refer to the Annual Report of the Department of the Interior for the year 1904, page 228, with regard to the report I made with reference to the needs of the school at Crow Agency, and to the Annual Report of the Department of the Interior for the year 1906, page 18 and subsequent pages, regarding the

report on the Crow Indian fair. I should also like to make a statement regarding the guardhouse business.

The CHAIRMAN. Well, as long as you are here making a statement, I would suggest that it all go in together.

Mr. REYNOLDS. I wish to say that the guardhouse is fully as bad as Mr. Dalby reported it. I have never used the guardhouse as a place of continuous incarceration for prisoners. There have, however, been cases where it has been necessary to keep both men and women constantly in the guardhouse for a few days to accomplish a purpose, of making them go back to their families or desist from certain practices that they were carrying on. My practice has been to have the guardhouse thoroughly scrubbed every Sunday and cleaned and the blankets taken out two or three times a week whenever the days were sunshiny and hung upon poles. There is a stove in the guardhouse which has been ample for heating it, and coal has always been provided. With very few exceptions, prisoners have not been retained in the guardhouse during the daytime, but have been used upon work around the agency grounds. In extremely cold weather I have allowed the prisoners to sleep in employees' places, and in a great many instances I have allowed them to bring their beds and sleep at the office, where they could keep fire and keep comfortable. There has never been a case in the guardhouse where women were incarcerated in the same room with men.

The CHAIRMAN. Anything further?

Mr. REYNOLDS. That is all.

The CHAIRMAN. You may be excused.

The witness was thereupon excused.

The CHAIRMAN. Mr. Dalby, you may proceed now.

STATEMENT OF Z. LEWIS DALBY.

Mr. DALBY. I promised yesterday to submit a copy of a letter from Mr. Miller in reply to Mr. Reynolds's letter, referring to Mr. Sniffen's visit. I find that that letter was incorporated in one which the Secretary had promised, at your request, to submit, and therefore I have not brought it separately.

Mrs. Grey, on page 14, says that my report shows that permits were issued to the Heinrich Cattle Company. My report shows the permits issued to F. M. Heinrich. I do not know of any such concern as the Heinrich Cattle Company.

On pages 116 to 128, the part of my report which relates to Mr. Heinrich's cattle was under discussion by Mrs. Grey. I notice that there was some uncertainty in the minds of the committee about that matter, but my report, I am confident, covers the situation fairly and accurately, and if read without Mrs. Grey's comments I think there will be no confusion, and I do not care to make any other comment than this, besides saying that I will be glad to answer any questions, if it is not clear, of any Senator.

Mrs. Grey states, on pages 22 and 119, and perhaps in other places, that I claim to have recognized Indian brands upon the cattle while riding through Mr. Heinrich's range. I made no such claim. I stated that there were 250 or 300—I think that is the number—of Indian cattle among the cattle that I saw. I determined this by inquiry of the people in the neighborhood, and in some cases the owners of

the cattle told me that they were theirs. I did not at any time attempt to discriminate brands upon cattle in that connection.

Mrs. Grey states, on page 127 of the record:

> I know that Joe Cooper has land there, and he has nice land and a water space; it is the only water space up in this district. Joe put a fence around it and said: "You can not have this unless you pay me $100." So he got $100 for his.

Joe Cooper's place is on Soap Creek, adjacent to Soap Creek—I do not know whether the creek runs through the place or merely skirts it. I should like to point out to you approximately where it is.

The CHAIRMAN. You will have to do that in a way that can be made of record, by designating points on the map.

Mr. DALBY. Joe Cooper's place is on Soap Creek somewhere between the pass across from Rotten Grass Creek and the St. Xavier Mission, as I recall the country. An inspection of the map will show to any Senator that this creek is a long one; there is water all along there. It is a magnificent stream for that country. And while Joe Cooper has some 1,500 and odd acres of land, he has not all the land that incloses Soap Creek.

On pages 15 and 17, and I think in other places, Mrs. Grey refers to a change made in the awarding of territory as the result of competitive bids, in which Mr. Bair was given the territory although he had bid a less amount than Mr. Murphy. This matter is fully covered on pages 16 to 18 of my report, and reference here was given to the documents in the Department. The facts in brief are that Mr. Murphy bid $8,000, as I recall the amount, for a lease upon this territory for the running of cattle. Mr. Bair bid $7,000 for a lease upon the same territory for ranging sheep. The Indians appeared in Washington and represented that the presence of cattle upon the district would be a detriment in comparison with the presence of sheep, while, on the other hand, the presence of sheep would afford a market for the produce of the Indians, and that between the two the difference of $1,000 in revenue would be more than made up by giving the territory to Mr. Bair for sheep, and requested that it be given to him for sheep. The Department or the Indian Office—I am not sure which—rejected all bids for leases and gave this territory upon the basis of a permit to Mr. Bair for a minimum revenue of $7,000 per annum.

On pages 16 and 39, and perhaps in other places, Mrs. Grey states that the Indians object to Mr. Bair's presence upon the reservation. This subject is also covered in my report, but I wish to say that so far from objecting to Mr. Bair on the ground stated by Mrs. Grey the Indians have practically unanimously stated to me that Mr. Bair has always befriended them; that his presence upon the reservation is decidedly to their benefit, and they in large numbers requested me to secure Mr. Bair's return to the reservation for the purpose of purchasing their hay in the Big Horn-Little Horn territory.

Mrs. Grey intimates, on page 19, and perhaps in other places, that the money which should be paid for the various leases upon the reservation is not properly collected. I made a careful examination of the books and records of the agency during my investigation, in connection with the permits and leases, and discovered that the proper payments on these contracts had been regularly made throughout the present agent's administration, and that those funds had been properly accounted for by being deposited with his regular depositary,

subject to the order of the Indian Office. I might add just there that the only way to expend those funds after thus being collected is by a duly granted authority from the Secretary of the Interior through the Commissioner of Indian Affairs.

Mrs. Grey, on page 30, and I think in other places, states that Indians must sell their dead allotments. There is no such obligation. The law distinctly provides that they may have them conveyed to them instead of selling them if they prefer.

She also, on pages 151 to 153, rehearses in substance the charges originally made by her in regard to the sales of dead lands near old Fort Custer. This subject is thoroughly covered in my report, on pages 24 to 35, and I deem further comment unnecessary.

On page 137 and following Mrs. Grey refers to some fraudulent transaction in land in connection with John Frost and his cousins, the Milikens; she states that they are his cousins; I do not know whether they are or not. In connection with this I would like to say that this is the first information I have received on this particular point. John Frost did talk with me in Helena about a number of matters—about the obtaining of citizenship, about the possibility of leasing his own lands, and about the permit to run sheep on the reservation. I answered his inquiries to the best of my ability in all cases, particularly in regard to the question of his running sheep on the reservation. I told him that the unallotted lands in the district in which his land was situated were under permit to Mr. Bair for what was supposed to be the capacity of the range, and therefore it would probably be necessary to make such an arrangement through the agent with Mr. Bair; that, of course, he could run sheep on his own lands or on any lands that he could get control of through other Indians, but that he could not oust the right which Mr. Bair had upon the tribal lands. Mr. Frost did not refer to the matter that Mrs. Grey has mentioned of any fraudulent sale.

On pages 53, 54, and 163 to 166, and perhaps elsewhere, Mrs. Grey refers to the matter of a power of attorney for the amendment of the last Crow treaty. This subject is fully discussed and, I think, clearly explained at pages 35 to 39 of my report.

I notice also that in the same connection Senator Curtis, in referring to the matter of the Crow agreement, states, on page 163:

> The Government changed its policy. It had been buying lands of the Indians and paying for them, and a policy was adopted to sell the lands and give them the proceeds, no matter how it was. However, this agreement was submitted, and the bill was not passed until after the agent, or somebody claiming to represent them, showed to the committee that he had authority to make the change, and the change was made.

For the information of the Senator I wish to state that the record does not show that these are the facts.

The CHAIRMAN. That what are the facts?

Mr. DALBY. That the agreement of the Indians to the change in the treaty was signified by anyone to Congress before the treaty was changed. It does, however, show that, on the principle announced in the Lone Wolf case, it was considered by the committee that the agreement of the Indians was unnecessary; that as a matter of strict law Congress did not have to ask for such an agreement. And it does show that the then Commissioner of Indian Affairs informed the committee that, in his opinion, there would be no objection, and that it would not be necessary to obtain the consent of the Indians.

If you will permit me, I would like to read a section from my report in that connection. I read from page 38:

In this connection I can not refrain from expressing my very positive belief that, regardless of the strict legal rights of Congress in the premises, such treatment of the Indians is unwise and tends to impede and retard the solution of the Indian problem. To deal fairly and to keep one's word unfailingly are essential to any really beneficient influence upon the Indians. I refrain from direct comment upon the moral or ethical aspects of the matter; but it is from these points of view (absolutely regardless of the purely legal question of power) that the Indian instinctively looks at such questions in the white man's dealings with him. And it is for this reason that I believe my remarks are justified from the point of view of mere policy.

On page 82 Mrs. Grey refers to Doctor Fanning as follows:

He is a Government physician at the Crow Agency; and if you want to know anything about him, he is drunk most all the time. He has a beautiful record there.

In justice to Doctor Fanning I wish to state that I have never heard of his being drunk on any occasion. I have seen him frequently when I have been at the agency. I have never seen any indication even that he was a drinking man. As to his ability as a physician, I can speak of him in the highest trems, knowing what he has accomplished upon the Crow reservation. . His success in the treatment of pneumonia during the past winter has been unexampled in the past experience of that reservation, as I am informed. He is a hard-working, able, and faithful Government servant.

On page 168 of the record Mrs. Grey intimates that Mr. Connolly and other of the reservation farmers are in the habit of buying wheat from the Indians for their own pecuniary advantage. In her original charges she made some statement about Connolly having wheat ground at the mill. In this case, as in all others, I used my very best endeavors to secure from Mrs. Grey a specification which would form a proper basis for investigation. Upon the basis which I did secure I made an investigation. I found that Mr. Connolly had had a white man work on a piece of ground that an Indian wanted that white man to work upon, and that Mr. Connolly had provided the necessary funds and equipment for this and had accepted payment for this advance, whatever it was, in the form of wheat, which was ground at the agency mill. I do not remember the details of the matter any further than I have stated them, but I do remember that, after as thorough an investigation as I could make, I found nothing in the transaction that seemed to me to require more than a caution to the agent and to Mr. Connolly that no such matters should be allowed at any time without the express knowledge of the agent, and the greatest care should be taken to preserve the rights of the Indians in that connection. I did not find that any injustice had been done the Indian in that case. That was entirely in the past. Mr. Connolly was not then carrying on any such transactions. I examined the miller as to the way in which the wheat was ground and whether the proceeds went properly to the credit of the Indian upon this account, and I was satisfied that this was true. I found no other case of this kind in the course of my investigation, and no other was alleged by Mrs. Grey, as I recall, or by anyone else.

In the same connection she refers to the charge which she originally made in regard to the selling of horses. I went into this with great care, but as I have covered that, I think, in my report, I shall not extend the record by repeating it.

On page 129 Mrs. Grey refers to a certain letter of Mr. Means which she submitted with her original charges, and on page 130 she says that letter disappeared. That letter has never disappeared. It has been always with Mrs. Grey's charges as filed and as given to me as the basis of my investigation, and it was attached to them when the Secretary of the Interior presented the document before the committee recently. I exhibit the letter [holding up letter].

The CHAIRMAN. It is already in the record.

Mr. DALBY. A copy of it will be with the papers when submitted. I draw attention to the fact that Mr. Means is not upon the Crow Reservation. It is addressed to "Dear Charlie." It does not give any specific information which would form the basis of an investigation. In this, as in all other cases, I endeavored to obtain such a specification from Mrs. Grey. I did not learn from her even who this "Dear Charlie" is, and I do not now know. She did not tell me where she obtained the letter. It did not form a basis of investigation by me.

On page 130 of the record she refers to an allegation that Mr. Van Hoose, the Pryor farmer, was running cattle on the reservation, and in that connection says that A. G. Mills, the agent of the Burlington road at Pryor, would be able to give information on that point. This is the first time that I have heard Mr. Mills's name in this connection. Mrs. Grey did not refer to him before, no one else has referred to him, and Mr. Mills did not come forward and give me information, although I was in the Pryor district for, I think, parts of three days examining the Indians and listening to the complaints of all who had any to present. The matter of Mr. Van Hoose's cattle was mentioned to me by Sam Davis, to whom Mrs. Grey also refers at some point in the report. This was on the occasion of Sam Davis's visiting Crow Agency, I think, after I had been to Pryor. The matter was also referred to by some others, whose names I do not recall. I do not know whether Mrs. Grey mentions it in her charges, but I do know that the matter was in my mind when I was at Pryor, and that I did make careful inquiry of all the Indians, and I failed to find any evidence that showed that Mr. Van Hoose had done the things in this connection which Mrs. Grey charges.

One of her charges in that connection is that he butchers his cattle and sells them to the Indians. In this connection I will call attention to the fact that one of the complaints made to me at Pryor was that it was not possible for the Indians to get as much beef as they wanted at Pryor. This complaint was made specifically by Jake Woodtick. I explained to him, in reply, that the trader of course carried such a stock of beef as he could handle profitably and that his own experience was bound to be his guide in that, and that he could not be required to carry a larger stock of a perishable product.

On pages 149 to 151 Mrs. Grey refers to a general alleged situation in regard to Frank Shively, to wit, that he is so under the influence of the agent that he is compelled to do things that he knows to be dishonorable; and on page 150 she says: "He said he had to do things that made him wish he were dead when he was here." Mrs. Grey's original charges contain substantially the same allegations. I carefully sought an opportunity to talk with Frank Shively at a time when no one else knew that I was talking with him, and no one knew that I intended to talk with him, and no one at that time but my-

self had seen the original copy of Mrs. Grey's charges as submitted. I asked Frank to tell me what truth there was in this, assuring him that he need not be afraid of any consequences of his telling me, provided he told me the truth about it. He told me that there was no truth in it, but that his statement to Mrs. Grey had been entirely different from that, and that Mrs. Grey, so far as he knew, had not endeavored to get him a place off the reservation, as she stated. At any rate, that he had not sought such a place.

I refrain from any further statement as to what Frank Shively told me, because he is present and can testify for himself as to the facts.

On page 7 of the record Mrs. Grey states that Indians asked her about signing agricultural leases. In my investigation I found that the Indians generally stated that Mrs. Grey had taken the initiative in this matter, and I did not find a single one who said that he had, of his own initiative, gone to Mrs. Grey upon this subject.

Mrs. Grey refers, on page 13 and page 50, and I think elsewhere, to an alleged petition of the Indians, and on page 66 she states that this petition was signed by every member of the lodge. In my investigation I learned that the Indians generally stated that this petition had not been signed by them. This was stated to me by a great many; Ralph Saco, Horace Longbear, and George Pease were among the number. Two of these, I think, are present. I was told by more than one of the Indians—in fact, by a considerable number—that they had declined to sign the petition when Mrs. Grey urged them to, and that then Mrs. Grey had asked for a list of names of the members of the lodge, and in her correspondence with the Indians she refers to this paper as names, while in her charges she refers to it as signatures.

On page 48 Mrs. Grey refers to the history and character of the Crow Indian Lodge. The facts in regard to this matter, as stated to me by a number of Indians, are very different. As I have stated these facts in my report at some point, I shall not repeat them.

On pages 69 and 75 she alludes to George Pease having been deposed from the presidency of this lodge in favor of Joe Cooper. The Indians generally told me that this occurrence was the result of Mrs. Grey's own instigation.

On pages 59 to 61 Mrs. Grey discusses her alleged inability to get telegrams sent. I was informed from quite a number of sources that when Mrs. Grey had been upon the reservation last winter, she several times sent telegrams to various papers collect; that these telegrams were refused by the papers, and when the operators endeavored to collect the charges from Mrs. Grey she declined to pay them, so that the operators were compelled to pay them themselves. I was informed that this was the reason, and the only reason, for the refusal of Mrs. Grey's telegrams at any time, and that only when she failed to pay the tolls upon the telegrams in advance were they refused.

On page 81 Mrs. Grey states—I think she states that I say in my report that I saw her in conference with Mr. Burgess in Billings. I have never made any such statement, and I have never seen Mrs. Grey in Billings, according to the best of my recollection, except on the occasion of her arrest and subsequent hearings, in the middle part of July.

Mrs. Grey has, a number of times, referred to some articles which she wrote for the Billings Inquirer and which appeared in that

paper. I do not wish to take this subject up further than to submit here as an exhibit a copy of a paper which was prepared by some Pryor Indians—Plenty Coos among the number—in regard to the facts as to some of the situations that Mrs. Grey had treated in these articles.

The CHAIRMAN. Do you want that to go into the record?

Mr. DALBY. Yes, sir.

The paper was identified and will appear in another part of this record. (See "Exhibit Z. L. D. No. 2," p. 769.)

Mr. DALBY. I would like to read two paragraphs from this paper before I put it in [reading]:

> While Mrs. Grey has secured quite a following by her misrepresentations in the Inquirer, we Crows know by actual experience with her that she can not tell the truth even when under oath; that she will exaggerate and misrepresent to suit her purpose.
>
> We know that the affidavit of her arrest at Lodgegrass, as printed in the Inquirer, is not true. We deny her statement of begging the Crow council from using any violence. On the contrary, her attitude and actions were of the dangerous kind. There is no class of people who know themselves better than the Crows. All that we ask is to be treated fairly and to live at peace with our white neighbors. We will not have anything to do with an irresponsible and unreliable agitator, as Mrs. Grey has proven herself to be, and decided prior to her arrest during the last meeting at Lodgegrass to have nothing more to do with her.

There are in this paper some slight inaccuracies, but they are on more or less immaterial points, and it is probably unnecessary for me to call attention to them.

The CHAIRMAN. Where did you get the paper?

Mr. DALBY. The paper was handed to me in Helena.

The CHAIRMAN. By whom?

Mr. DALBY. I think it was handed to me by Alexander Upshaw; if it was not, he called my attention to it and I got it from the agent; I do not remember which. This is a copy, and it shows the signatures.

On page 74 Mrs. Grey alludes to an organization which she describes as the Elk Lodge, and states that Mr. Ballou, who is the Government carpenter, made a statement of the whole thing to the Indian Rights' Association. I do not find that Mr. Ballou's statement is submitted. I would suggest that that be asked for as an exhibit.

As to the facts in this matter I would say that I made a careful investigation while at Crow Agency. I had an all-day hearing upon the question and made a complete record of all testimony taken. I did not submit that with my report for the reasons stated in the report, but in view of subsequent events I reduced that record to typewriting and submitted it, and it will be presented to the committee as a part of my report.

On page 69 Mrs. Grey refers to Carl Leider as having been interpreter at the grand jury inquiry in Helena. This is not in accordance with the facts. I myself suggested that Alexander Upshaw be summoned as interpreter, because I knew that he was one of the best, if not the very best, interpreter upon the reservation. Carl Leider may have acted as interpreter, but he was not summoned as, and was not, the official interpreter.

On page 23 Mrs. Grey states, referring to the grand jury inquiry, that—

> They brought every power that could be brought against me before the grand jury. They had Mr. Morrill, of the Lincoln Town-Site Company, there with all his money, and Mr. Dalby was there.

Mr. Morrill was summoned as president of the Lincoln Town-Site Company to testify in regard to a charge made by Mrs. Grey that Carl Rankin, while employed as surveyor with his father, was also agent for the Lincoln Town-Site Company, as she styles it, though the correct style I understand to be the Lincoln Land Company. When Mr. Morrill had given his testimony upon this point he immediately left Helena. I am not aware of any other purpose that brought him there.

On pages 84 and 90, and I think in other places, Mrs. Grey alleges that Mr. Rasch, the United States attorney in Helena, would not allow the grand jury to report upon her case, but required them to hold up their report, after they had reached their conclusion, before Christmas. The facts are that the grand jury, after reaching a conclusion upon this matter, informed Mr. Rasch that it had reached its conclusion, but that it had decided not to make known that conclusion until after the investigation of the charges which had in the meantime been made by Mrs. Grey, apparently with the cooperation of the Indian Rights' Association. From Mrs. Grey's statement it is apparent that the conclusion of the grand jury was made known to her attorneys, although it was not made known to the United States attorney. The action in the matter was the action of the grand jury, and not the action of the United States attorney.

Mrs. Grey refers, on pages 80, 87, 88, 89, and 162, and I think in other places, to an alleged change in the conclusion of the grand jury in regard to her. I have before me, and will present for inspection, an affidavit by Fred E. Server, made on the 7th of February, 1908, from which I will read [reading]:

Mrs. Grey told me to-day that the foreman of the grand jury had told her that the grand jury had decided to indict her. Both Mrs. Grey and Mr. Sniffen tell me that Mr. Miller, of the Indian Rights' Association, has authorized Mr. Sniffen to procure bail for Mrs. Grey and to bring her East with him to meet members of the Indian Rights' Association in Philadelphia, after which they expect to present the matter to Congress with the view of securing a Congressional investigation.

This statement was made on the 7th of February, which was the day upon which the grand jury, after completing its examination of witnesses and supposedly reaching its conclusion, adjourned pending the return of Judge Hunt. After the 7th of February no further meetings of the grand jury were held for the purpose of receiving testimony; they met merely for the purpose of preserving the status of the body and adjourned, and I think they met just before presenting their report, to adopt it formally as prepared by the clerk. Judge Hunt returned from Portland, as I recall, on the 10th of February, and the grand jury was immediately summoned and presented its report, in which Mrs. Grey was not indicted.

Shall I submit a copy of that affidavit as an exhibit?

The CHAIRMAN. You may have it marked as an exhibit and it will be received.

The paper was identified and will appear in the appendix to this report. (See "Exhibit Z. L. D. No. 1," p. 592.)

Mr. DALBY. On pages 176, 177, and 179 Mr. Sniffen refers to his visit to Parkman, and alludes to meeting there four Indians; he mentions the names of more than four, but from his statement on page 179 as follows: "Now, these four Indians that I have mentioned—Packs the Hat, Bad Heart, Yellow Crane, and one other," it appears that these are the names of the Indians whom he speaks

of having met there, with the exception of one whose name he does not give.

In that connection I read from a letter of February 19, 1908, from Fred E. Server to me, as follows:

I went to Parkman February 15 to meet Mr. Sniffen and a few of his friends—namely, Doyle, Petens, Den Hardy, and Joe Cooper * * *. One thing we can be proud of, and which shows the change in affairs is that not one single Indian went to Parkman to meet Mr. Sniffen, and he expected quite a few, and showed his disappointment when none showed up. I tell you it did me good to see him fall down in that way; but still, with none of the Indians to back him up, he still insists that we have not heard the last of it.

If it is desired I will submit the letter as an exhibit.

The CHAIRMAN. The committee would not go on record as asking for hearsay testimony. If you desire to put it in the record you may do so.

Mr. DALBY. I do not understand that that would be hearsay testimony. Mr. Server himself was present and he saw who was there. The statement is made over his own signature and in his own handwriting.

Senator SUTHERLAND. Who is to be cross-examined as to the truth of the statement?

Mr. DALBY. Mr. Server, if you wish.

Senator SUTHERLAND. Then it is hearsay?

Mr. DALBY. I would not have so understood it.

The CHAIRMAN. Do you desire to have it incorporated in the record? If you do it may be marked and received in evidence.

Mr. DALBY. With that statement, I will simply hold it until it is asked for.

I have tried to limit myself to matters that seem not to have been sufficiently covered in my report, and I have tried to omit those that were unnecessary to mention. I may have failed to mention some matters that I should have mentioned; if I have done so, it is because they have escaped my attention under the circumstances, and I should be glad to answer any questions on any such subjects.

There are many of the exhibits referred to in the record which have not been printed and which I have not seen, and I do not know, therefore, whether they contain any matters which properly call for comment or reply from me.

The secretary has had prepared the various papers that have been called for, and while they were not ready when I left this morning they will be during the day and they will be sent here immediately to me and I will hand them in with a list, as representing the secretary.

That is all.

The CHAIRMAN. Now, Mrs. Grey, do you wish to ask any questions of Mr. Dalby?

Mrs. GREY. No.

The CHAIRMAN. Mr. Sniffen?

Mr. SNIFFEN. I should like to ask Mr. Dalby, through you, if Mr. Server in any of his communications told him if he saw me in Parkman?

The CHAIRMAN. You have heard the question, and you may treat it as the inquiry of the committee, and may answer it.

Mr. DALBY. I do not see that in this letter Mr. Server anywhere states specifically that he saw Mr. Sniffen; but he states that he went

to Parkman to meet Mr. Sniffen; and he refers subsequently to accompanying Mr. Sniffen to Sheridan, along with Mr. Dana.

Mr. SNIFFEN. Do I understand that he makes the statement that he accompanied me from Sheridan to Parkman or from Parkman to Sheridan—is that my understanding of your reading from the letter?

Mr. DALBY. I think that statement is in the letter.

Mr. SNIFFEN. I ask because it is news to me. I did not see Mr. Server.

Mr. DALBY. I will read from the letter.

Mr. SNIFFEN. If you will.

Mr. DALBY (reading). "I accompanied him"—Mr. Dana having been previously referred to—"and Mr. Sniffen to Sheridan the afternoon of the 16th, on which trip nothing new developed except he [Sniffen] thought while there was no criminality attached to Major Reynolds' action, he thought favoritism had been shown, and that he [Major Reynolds] was none the loser by it."

Mr. SNIFFEN. The date of that letter is February——

Mr. DALBY. Nineteenth.

Mr. SNIFFEN. I simply asked because it was news to me. I did not see Mr. Server at Parkman. I understood that he was going to meet me there, but he had gone to Sheridan. I did not see him the two or three days I was at Parkman.

The CHAIRMAN. Any further questions of yours?

Mr. SNIFFEN. I do not care to ask him anything further.

The CHAIRMAN. Now, Mrs. Grey, if there is any new matter that Mr. Dalby has brought in, either this morning or yesterday, you will be permitted to reply to it.

STATEMENT OF MRS. HELEN PIERCE GREY—Resumed.

Mrs. GREY. He brought up several things in contradiction of what I have said that I would like to reply to. I will simply go back to the record to record things that I have already said.

The CHAIRMAN. I would suggest that it adds nothing to the force of a statement to repeat it. If there is anything that he has brought in here either yesterday or to-day that you wish to reply to, the committee would be glad to have you do so.

Mrs. GREY. As to this matter of Mr. Server, it is simply beyond my comprehension. Major McLaughlin said he had known Mr. Server for thirty years, and I think he will agree with me that he is the last man whom he would suspect of being a spy. I have here a copy of a letter that we received from Mr. Server.

The CHAIRMAN. Do you want to offer that in evidence?

Mrs. GREY. I don't believe it is so. I don't believe Mr. Server is that kind of a man.

Now, as to this matter of the Murphy sheep business, it can easily be settled. There are two telegrams among those papers in which he says he will put sheep on the reservation.

As to the matter of Mr. Bair paying such a good price for hay: All around the reservation are stockmen—small ranchers, owning their own ranches—and last spring hay went up as high as $18 around there. It does not stand to reason that these ranchmen would not be glad to pay $5 a ton for their hay. Mr. Tom Doyle attempted to

get some of the small ranchers near him—he attempted to be allowed to sell his hay to some small homesteaders just oustide the reservation, and as a result of his attempt—the correspondence is all here—he had his trip to Helena and a year's imprisonment. All around the reservation—I could give dozens of names—are people willing to pay double as much as Mr. Bair does; among others would be Jack Welch, and Mr. Dana himself pays about three times as much. Mr. Welch does pay Don Hardy, who lives on the reservation, $2 a head for stock, and on this account they have nearly driven Don Hardy off the reservation. I have letters to submit in which Mr. Reynolds has told him that he can stay on the reservation "as long as he attends to his own business;" otherwise he will have to get off the reservation.

As to Tom Doyle having a case of whisky when he was in Lodgegrass, it is apace with the other statements. He was arrested at his home on the creek.

Senator DIXON. Doyle was convicted by a jury for introducing whisky on the reservation and sent to the penitentiary, wasn't he?

Mrs. GREY. I guess that explained how it came about.

Senator DIXON. That was a fact, wasn't it?

Mrs. GREY. Oh, yes; he was convicted; he plead guilty. He didn't have money, in the first place, to hire a lawyer. He had already had six months of it there; and he got out of it the best way he could. The treatment of the Government there is the greatest curse on the face of the earth.

Senator DIXON. To convict people for taking whisky on the reservation?

Mrs. GREY. To pick them up here and take them away, as they did with me twice, and it is a very difficult matter to get bail, because they have to get bail that is qualified for by someone who owns real estate in the State. Judge Lindsay goes into that in a letter I have submitted here.

As to my having my witnesses that I wanted, and all that sort of thing, I introduced a letter here, which is a copy of a letter that I myself wrote to Arnold Casto. I rewrote the letter, and I am not positive that the copy is word for word like the original; I very seldom make a straight copy.

The CHAIRMAN. I would suggest that a letter in one's own interest is not the strongest evidence anyway, and unless you are reasonably certain that it is an exact copy——

Mrs. GREY. The reason I say it is not an exact copy is that I did not——

The CHAIRMAN. Do you want this to go in?

Mrs. GREY. Yes.

The paper was identified and was marked "Exhibit H. P. G. No. ."

Mrs. GREY. I agree with Mr. Dalby that, so far as I know, Doctor Fanning is a most excellent Government servant. Take, for instance, his remarkable case of smallpox epidemic, which I suppose could not have been found any place else. It must have been something that is in the nature of an original research. It was so remarkable an epidemic of smallpox that it broke out with virulence as soon as Mr. Reynolds had gotten his witnesses off, continued to rage during the whole sitting of the grand jury when the Indians wanted to send witnesses off the reservation, miraculously disappeared

when Major McLaughlin wanted to hold a general council of the Indians, held off just long enough for the council, and had since settled down with raging violence so that quarantine managed by Doctor Fanning prevents any Indian from leaving the reservation.

As to this letter about Mr. Hill; that was signed by Howard Means. In the light of the fact that Howard Means and Mr. Hill were at this time, have been ever since, and still are Government employees, and this letter speaks of the cattle that they had on the reservation together, that they probably would have to sell them, and also states that he had to give up a homestead which he had taken illegally, because it was found that he had perjured himself in making the statement, it seems to me it is a matter of sufficient importance to even attract Mr. Dalby's attention.

As to signing the petition and the Lodgegrass matter, Joe Cooper is here; and as for saying Ralph Sago told him, I do not believe he did, or Horace Long Bear. Horace Long Bear is in jail to-day, I believe, because he was trying to come to Washington. He was chosen on the delegation to come here, but on account, as I understand it, of letters from the Department—there are letters written out that anyone who had any connection with me should not go on that delegation.

Senator DIXON. Do you charge that as a fact—that the Department wrote out there and said that anybody who had any connection with you should not go?

Mrs. GREY. I have had a letter to that effect from there.

Senator DIXON. As a matter of fact, do you charge the Department with that?

Mrs. GREY. No; I do not. What I mean to say is that I know what the attitude of those people are.

Senator DIXON. Now, you have gone ahead and charged the Department with writing letters out there——

Mrs. GREY. With reference to that, I would call for the correspondence between the Department and the agency at the time they were preparing this delegation, when Major McLaughlin went to the reservation. I think it will bring out just what I want brought out.

As to the matter of Carl Rankin, I refer to the report, which will show just what I did say. I see that there is a mistake in the record; the printed record says "John" Rankin; it should be "Carl" Rankin.

Then to go back. I find in looking over my letters that I have a letter of this woman whose cattle were taken for debt, which she had tried to get Major Reynolds to act upon. I have here a letter about that. Do you want to use that as an exhibit?

The CHAIRMAN. Well, do you want to put it in? We have received in the record here nearly all the testimony that you desire to have filed.

Mrs. GREY. I do not care anything about this being filed, unless you want it.

And here is the telegram [indicating] that I used that night to keep myself from getting into the guardhouse.

The CHAIRMAN. Do you want to file that?

Mrs. GREY. It won't be of sufficient interest, unless you want it. It is torn off here at the top.

There have been continued references to my articles in the Billings Inquirer. While I undoubtedly made statements in those articles I

would not have made in cold blood, at the same time the articles were printed in the home town of many of these people and expressed the sentiments of the community, as was shown in many ways, such as an immediate paid-up subscription of 2,000. At the time the letters were written I was ill, confined to my bed, as a result of the policy of the Indian Department, as was exemplified in my own case and illustrated yesterday by the anecdote Mr. Leupp used yesterday as to his understanding of the Indians' ideas of justice.

Senator DIXON. In publishing this series of letters in the Billings Inquirer out in Montana, that was not bringing these wrongs to the attention of the Commissioner or of the Secretary of the Interior, was it?

Mrs. GREY. I was in jail. I was practically being railroaded, and expected, so far as I knew, that I was going to the penitentiary. We couldn't get anything in any of the papers; the Associated Press wouldn't take anything; and the citizens down there suggested that these letters be written, and that I tell what I had thought of the matter. That is the way those articles were written, and I think they accomplished their end. There are a good many things in those letters that are not nice to read. I have not read them since I wrote them and sent them. Yet when I went back to Billings some of the most prominent men there came and told me that they wished they had known what the letters contained before they came out, and if they had they would have given me a good many more things. And the fact remains that just at the time when the letter was advertised to appear on Charley Bair there wasn't a line in the paper; and two weeks afterwards they began to publish what is now really the official statement of these people, such as in the editorial subscribed of, the Forsythe paper belonging to Mr. Edwards. The First National Bank, I suppose, owns the Billings Gazette and also the Helena Record. There are a number of other little papers that I have forgotten. I suppose that I have 15 or 20 clippings of the same caliber of this Johns editorial that I will not put in. You know that yourself, Senator Dixon, because you have seen them.

Senator DIXON. No; I have not seen other clippings. I have seen the Johns editorial that you refer to.

Mrs. GREY. I think you have seen something more than that. I have plenty of them if you want them.

So diligent was the circulation of slanders about me by these people that it was necessary for Mrs. Norris, in whose house I lived during my stay in Helena after leaving the jail, to either ask me to leave her house or to take the course she did, namely, call into her sitting room Mayor Lindsey, who also lived in the house, and the Rev. Mr. Bateman, of St. Peter's Church, which I attended, and in which church the slanders were also circulated, and let them meet me and ask me questions and inform themselves to some extent as to the truth of the slanders. I was a stranger in that part of the country, my home being, except for a short time in Sheridan and in Omaha, in Minnesota, and I did not know a human being in the place, nor did I meet but one person I had ever seen before during my stay there of eight months. As to what this treatment was, I submit portions of a sermon that was preached by the Rev. Mr. McCullough.

I can not read this letter [indicating], but I will ask that it be filed.

The CHAIRMAN. You may mark that as an exhibit and it will be received into the record.

The letter was identified and was marked "Exhibit H. P. G. No. 33."

Mrs. GREY. As to my connection with the Indian Rights Association, I just simply want to say that I am in no way, shape, manner, or form, now or at any time, have been connected with them or dependent upon them for support, nor do I expect to be at any time.

Mr. Herbert Welsh heard of the things that were going on down there and wrote me for information—wrote to Billings; he didn't write to me—for information. As a result of that he sent a draft for my bail, for a portion of it. I was already out on bail, but as it was on a paid bond Mr. Welsh's draft was not returned to him till the bail was released; and when I was released a portion of the money which belonged to the members of the association was loaned to me to pay the debts I had incurred while I was there, and in order for me to leave town.

I would say right here that I am not 60 years old, and that I have not been thirty years on one paper. My name has been clean, and I expect to hand it down clean to my son.

That is all.

Thereupon the witness was excused.

The CHAIRMAN. Mr. Sniffen, have you anything further you desire to say?

Mr. SNIFFEN. I see nothing in what Mr. Dalby has brought out that changes my testimony at all. The affidavit of Mr. Server, which he read, to the effect that I had secured authority to get bail for Mrs. Grey in the event of an adverse decision of the grand jury, and to bring her here, is all news to me. Mrs. Grey has explained how certain money, which was not by the action of the association, was loaned to her. I have nothing to add. The records will speak for themselves.

The CHAIRMAN. Mr. Commissioner, reference has been made to telegrams from Murphy to the Department pending the settlement of the question between Murphy and Bair, to the effect that Murphy offered to put sheep instead of cattle on the reservation. I wish you would examine the records of your office, and if there are any telegrams bearing on that subject file them with the committee.

Mr. LEUPP. I will do so.

The CHAIRMAN. Reference has also been made to correspondence between the Department and the agent, Reynolds, prior to and in connection with Major McLaughlin's visit. If there is any of that correspondence I wish you would file it.

Mr. LEUPP. I think we have all the correspondence there, and I will be very glad to file it.

The CHAIRMAN. Do you wish to make any statement this morning, Mr. Commissioner?

Mr. LEUPP. I simply wish to say that I should not probably have mentioned these things except for Mrs. Grey's reference this morning again to her newspaper connections. I thought I had better put in evidence the letter which Mr. Loeb sent me introducing Mrs. Grey, and speaking of her as a correspondent of Collier's and of the Chicago Record-Herald. And as Secretary Garfield the other day filed whatever evidence he had as to her connection with the Chicago Record-Herald, I should like to file this letter from Collier's as to her connection with that paper.

(The letter was identified and marked "Exhibit F. E. L. No. 2," and appears in the Appendix. See p. 577.)

The CHAIRMAN. I think it is due to Mrs. Grey to say, at least I will take the responsibility myself of saying in reply to her closing statement as to her character, that in this investigation, and outside of this investigation, I never have heard the slightest aspersion upon the character of Mrs. Grey.

Mr. LEUPP. Well, I have not raised that, except as to her veracity.

The CHAIRMAN. No; I know you have not. But she, in her closing statement, referred to that.

The CHAIRMAN. Now, if there is nothing further, that will conclude this hearing, with the exception of the filing of the documents.

Senator DIXON. That is, this washing of the linen. I wish to say, Mr. Chairman, that Major Wolcott, who is the superintendent of the Omaha stock yards, is here. I really would like to have this committee hear something about this horse-breeding bill. As Major Wolcott, I think, was the man who originally suggested the scheme, and he is familiar with the horse conditions in the West and on the Crow Agency, I should like to have the committee hear just a short statement from him.

The CHAIRMAN. That is one of the matters before the committee, and we will be glad to hear the Major on it.

Mr. DALBY. Will you indulge me just a moment in order to make a statement in justice to Mr. Server?

The CHAIRMAN. You were asked this morning to go on. I do not know where this will end. When you make a statement somebody else will have to make a statement.

Mr. DALBY. I want to make a statement in regard to Mr. Server's character.

The CHAIRMAN. Make your statement and get through with it.

STATEMENT OF Z. LEWIS DALBY—Resumed.

Mr. DALBY. In view of the fact that Mrs. Grey has spoken so highly of Mr. Server's character, it is perhaps unnecessary for me to say anything upon that subject; but in justice to him I give the particulars that Mr. Server has been in that country since the late sixties or early seventies. He was with the Army during the Indian war times; and he has been associated with the Crows for more than thirty years. He has their confidence thoroughly; he knows them, and their best interests are what he wishes to accomplish. This was the motive that prompted Mr. Server to cooperate with me as he has done. I did not buy Mr. Server—I do not believe any man could buy Mr. Server; and I did not forge Mr. Server's name to the documents that were submitted. Mr. Server will appear before the committee if the committee wishes it.

Senator SUTHERLAND. Did you read Mr. Server's letter to Mr. Sniffen?

Mr. DALBY. No, sir; I doubtless have a copy of it, however.

Senator SUTHERLAND. I wish you would read that letter.

Mr. DALBY. I recognize from the first few lines that it is the same as a letter that I have a copy of.

Senator SUTHERLAND. Then you are familiar with the letter?

Mr. DALBY. Yes, sir.

Senator SUTHERLAND. The letter that you introduced is a letter which seems to betray some antagonism on the part of Mr. Server

toward Mrs. Grey and Mr. Sniffen, and the letter which he writes to Mr. Sniffen is written in the friendliest kind of a way, rather sympathizing with their view of things, is it not?

Mr. DALBY. Yes, sir.

Senator SUTHERLAND. How do you explain the apparent inconsistency of the two positions taken by Mr. Server?

Mr. DALBY. On the ground that I have alluded to, that the measures taken by Mr. Sniffen and Mrs. Grey were detrimental in the highest sense to the best interests of the Crow Indians, and that Mr. Server has cooperated with me to give me the information that he could obtain.

Senator SUTHERLAND. I know; but here is a letter written March 12.

Mr. DALBY. He may have written a more recent one than that.

Senator SUTHERLAND. Here is a letter written within the last few days to Mr. Sniffen, the whole tenor of which is one of sympathy with their work.

Mr. DALBY. Yes. I may state further that the way the matter first came about, as I stated yesterday, was at Mrs. Grey's suggestion that he come and talk with her, he being a witness before the grand jury. He declined to do so until after he had given his testimony before the grand jury.

Senator SUTHERLAND. I do not care to go into any detail of the matter, but I simply call attention to the fact that in the letters which he writes to you he is apparently in antagonism to these people.

Mr. DALBY. Yes, sir.

Senator SUTHERLAND. And in the letter which he writes to Mr. Sniffen he is in apparent sympathy with what they are doing. What I want to ask you is whether or not you do not think there is some lack of candor on the part of a man who will take these seemingly inconsistent positions?

Mr. DALBY. I will explain to you how that came around. Mr. Server asked me if I would like for him to go and see Mrs. Grey in response to her request. I said, "All right, if you want to go. You are a good listener and you are close-mouthed, and what you learn may be of service." And Mr. Server did go, and he did attend all their meetings, and he did inform me of what he learned from time to time during his stay there. It was Mr. Server's intention throughout that time, before leaving Helena, to state to Mrs. Grey and Mr. Sniffen exactly what he had done, and why he had done it. At my suggestion he did not do that then, deferring his action to a later time, because I said: " If you do not show your hand, as you have planned, you will probably get evidence by correspondence which will enable us to show this matter up exactly as it is when it comes up." I knew that the matter was going to reach this stage. I was as firmly convinced of it as I was of anything on earth. My experience in the past year has proved to me that they did not intend to stop short of anything to carry out their purposes, and I knew the evil effects upon the Crow Indians. Mr. Server, knowing the Crow Indians, and their conditions, and being, as Mrs. Grey supposed, in sympathy with her, knows also the evil effect of her course of action, and he was willing to take this step to aid me in protecting the Indians on the Crow Reservation, if possible. That, sir, is the motive that underlies this transaction.

The CHAIRMAN .You say you have a copy of this letter of Server's to Sniffen of March 12?

Mr. DALBY. I have, sir.

The CHAIRMAN. Where did you get it?

Mr. DALBY. Mr. Server sent it to me.

The CHAIRMAN. Sent you a copy of that letter?

Mr. DALBY. Yes, sir.

Senator DIXON. He has sent you copies of all the letters and correspondence that he has had with Mr. Sniffen and Mrs. Grey?

Mr. DALBY. He says he has. He has sent me a great many.

Senator DIXON. That was the agreement between yourself and Server?

Mr. DALBY. Precisely, sir.

Senator SUTHERLAND. Whatever may be the motive, according to your statement, as I understand it, Mr. Sniffen was making a mere pretense of being friendly?

The CHAIRMAN. No. Mr. Server, you mean.

Senator SUTHERLAND. Yes; Mr. Server.

Mr. DALBY. It was substantially so, sir.

Senator SUTHERLAND. That is all.

Thereupon the witness was excused.

STATEMENT OF MAJ. FRANCIS E. WOLCOTT.

The CHAIRMAN. Now, Major, you may discuss the horse bill.

Mr. WOLCOTT. I was a ranchman on the North Platte River for nearly twenty years, and engaged largely in the breeding of horses. For the last fourteen years I have been the general agent of the Omaha Stock Yards, and my territory extends from the Missouri west to the Pacific, and my duties, among other things, are to encourage as far as possible increase production of stock in that territory.

In 1901 there was a contract let for cavalry horses to be delivered at South Omaha. I had been familiar with the classification of horses which had been received upon practically the same sort of contracts at Fort Meade. I knew the raisers of many of these horses that were submitted at South Omaha, particularly N. R. Davis, a large breeder; and 90 per cent of the horses submitted under this contract were rejected, largely on account of their height, which was only about an inch or something like that under the standard. The horses were bid for as branded horses. They were judged under the specifications of the army cavalry horse, which requires a very toppy, high-bred, well-broken horse. And the result was that the contractors were made defaulters, and their contract was filled by purchasing horses East, which they had to pay for.

My yards are largely interested in the horse trade. It was not pleasant for us to see a contract get away from us in that way and it was up to me to see if there was any possibility of rectifying this. I knew the horse trade of the West pretty well. I knew the Crow Reservation, where for years I had gone to fish, and I went up there and went over the reservation with Major Reynolds, who is the agent, to look at the conditions as to horse raising upon that reservation. I found, as my report here sets forth, that for the nutritious quality of the grass it is as good perhaps as anywhere in the world. The altitude for fine lung power, the underlying lime rock for good bone,

the profusion of feed for winter in the alfalfa and small grains that are and can be raised upon the irrigated ground—in point of fact there is no limit to it—and from every point of view probably the conditions for as good a horse-breeding plant as could be established in the world exist there. There is no country but Russia that could possibly equal the size and quality of such a ranch. In Germany, in England, and in France the governments all engage in the breeding of horses for their finest service; many of their horses cost a great deal of money. In France the best horses at their riding schools cost $1,000 or more. At the last Chicago show the Emperor of Germany had a string of five or six of his best saddle horses that are used for the guards—the Oldenburg coachers—which cost $1,200 or $1,500 apiece.

I came through Kansas City about two weeks ago, and I found the lowest bid on an offer for 800 head for the Government ranged from $155 to $210 per head. That is a pretty high price for this country, but the price is still increasing. There was a time in our western country when the horse business was a good business, but the change in the street railroads from horse power to electricity limited the demand for horses, and it came that horses could not be given away.

When Lieutenant Weston was the agent of the Crow Indians in 1896, I was at the Crow Agency, and he offered me 10,000 head of Crow ponies at $1 apiece. They had about 40,000 on the reservation then, and they were eating up all the grass with no return, and they couldn't do anything with them. I wrote to the coast and looked around elsewhere to see if I could not sell them to some people to can or do something with them, and not finding any place where I could even get the freight back on the shipment, I was forced to decline the trade.

Then the horse business changed. It had been so bad and the price of horses was so low that practically you could not give away western horses. Now it is entirely different; they command a good price. In any of our markets the product of the Crow mares with good stallions at two years old would command a remunerative price.

Well, I went over the range with Major Reynolds, and then I made a report, which was sent to Washington and attracted some little attention, and an appropriation of $15,000 was made to be paid out of the proceeds of the land which was to be sold under the segregation of a certain northeast portion of the Crow Reservation; but it turned out that the fixed charges on the proceeds of this sale were such that $15,000 could not be paid, so it amounted to nothing.

Senator DIXON. As a matter of fact, that $15,000 item for the purchase of stallions is in the Crow bill of 1904, and it will be paid within a year or two. That is in there now.

Mr. WOLCOTT. It is in there now. The appropriation was made, but they couldn't get any money. Well, the chief of my yards, Mr. Paxton—he died only a year ago—was an old plainsman, and he took a great deal of interest in this horse business, and he kept me at it. So I made another report, and addressed it to the President, and I came on here and presented it to him in person. I had studied the thing and was dead in earnest about it. I saw the possibility of the thing primarily for the Indians, next for the Army, and then next for the surplus for our stock yards, because lots of these horses would have to be sold as culls; and then the surplus mares, after four or five

years' breeding, would have to be eliminated, and all the mare colts would be reserved, and an equal number of the mares would have to be sold every year; that would amount to a very large number of horses to be sold.

Senator DIXON. Did you take up the matter with the Commissioner of Indian Affairs at the suggestion of the President?

Mr. WOLCOTT. Oh, yes. But I may never have a chance to talk about this again, and I would like to tell the whole story now.

The number of horses needed yearly for the American Army is from 2,000 to 2,500. You would perhaps be surprised to know what it is among the European armies, amounting from 3,000 in England to 17,000 or 18,000 in Russia every year—that is, in time of peace. To put any European army upon a war footing would require from 250,000 to 450,000 horses. That would simply be starting the thing, without regard to the number needed if the war lasted long. In South Africa the English spent about $95,000,000 to furnish horses for that campaign. We sold them a good many of our western bronchos that brought from $95 to $100 apiece. So the demand for army horses is world-wide, and there isn't any possible limitation to it unless you can see some end to war or the way of waging it. They have got to have the horses. And that is why our Army comes in for a pretty low class of horses, because of the foreign demand, and then many of the best horses are sold for coachers and saddlers in the large cities and summer resorts, so practically the Government for its Army gets nothing but the culls.

I made up my report and came on and saw the President, and brought along some photographs to show the range country and the horses that the Indians had, and the President was rather pleased with the proposition and gave me a note to Commissioner Leupp, who went over my papers and made a report to the President, which resulted in the Commissioner having this law formulated which is before the committee now.

Senator DIXON. This bill?

Mr. WOLCOTT. This bill, I mean; this proposed law. There are a great many things that I could say in support of this measure. Primarily it is an advantage to the Indians who have been engaged in raising cattle that the surrounding ranchmen largely stole from them and that they ate up themselves, and they are out of the cattle business. There does not seem to be any particular occupation that is so good for them as raising horses. They can not eat them; their taste does not run in that way; they could, perhaps. But if they are stolen, it is harder to take care of stolen horses than it is to take care of stolen cattle. You can not so well alter the brand, and you can not get away with them.

I was at the Crow Reservation once when Mr. Weston, I think, was the agent, and they had just found over in a canyon, northwest of the Crow Reservation, a herd of 900 I D cattle, the brands of which had been changed to ⊏I⊐ or something of that kind. That is pretty wholesale business. That would put almost anybody out of the cattle business after a short time. That was the situation. I was there when that occurred.

Senator DIXON. Those cattle were recovered, were they not?

Mr. WOLCOTT. Yes; those cattle were recovered. But it was a system of constant stealing and preying upon the Indian herd, and it

is so easy to kill cattle and sell the meat that I question whether the tribe can ever succeed in the cattle business. But there is a possibility in the horse business. Primarily, as a matter of profit, it is the best business they can engage in; better than cattle or sheep or even hogs. Raising hogs up there is a good and profitable business, but they could not ride a hog, so their taste would not run that way. They could eat them, and therefore there would not be many left in a short time.

I am thoroughly satisfied that the building of this horse-breeding plant is the best thing that possibly could be done for the Indian; it is to their taste; it is a profitable business. There is nothing in it for the first four or five years; that is, there are no returns for five or six years. That is the reason you can not interest private capital in the thing. They do not want to go into a business that does not commence to pay anything for five or six or seven years. But here it is an occupation for the Indians, and finally it comes out with a large profit.

There are many questions of interest connected with it. General range herds produce about 40 per cent of colts; that is a good crop. Stallions at stands in country places produce at the very best about 60 or 65 per cent.

Now, there is a new system of breeding in vogue with impregnators that probably will run the production of colts up to 80 or 90 per cent which I believe is perfectly practicable. And so the horse business promises well. It is a good business for the Indians, and I hope they will have an opportunity to engage in it.

And so I will close my remarks.

Senator DIXON. What is your general plan toward taking these Crow cayuses that are now common on the range and getting cavalry horses out of them?

Mr. WOLCOTT. To use Morgan stallions. Make selection of the mares and get them as near the original mustang blood as you can, excluding all pintos, grays, and whites, and have enough stallions for all the mares upon the reservation. I would not exclude Indians who have their own mares, but make them get rid of the pintos and grays, and then charge them a mere nominal price for breeding to these good stallions. It would not be long before they would see the advantage of that, for those Crows are pretty wise men about horses. I saw some horse breaking down there by some of the bucks that was as good as any I ever saw, and they know horses, and when they see the product of these mares with these stallions it won't take them long to understand where their interest lies. They know horses thoroughly well. There is a strain of Arab blood in those mares, not so pronounced when you get so far north as that, but still a strain of the old Spanish-Arab blood which makes a perfect nick with the Morgans.

Here is an extract from a report by Brig. Gen. William H. Carter, United States Army, from Algeciras, Spain, December 30, 1903:

> In passing through Spain I availed myself of the opportunity to see some cavalry and horse artillery and the Royal Horse Guards. The horses are of the Andalusian type, and are typical animals for hard service. The type is often seen degenerated into a smaller horse in Mexico and are most serviceable animals. It would be difficult to find a more perfect horse than the Andalusian for light cavalry.

That is the very blood that is in these Crow mares, not perhaps so pronounced as in the Mexican mustang, which is par excellence

the best of all the native horses for foundation stock, because they have introduced no foreign blood there.

Senator DIXON. Take the Crow Reservation, climatically and physically, what are the conditions there for breeding high-grade horses?

Mr. WOLCOTT. Well, I was just telling the committee in regard to that. I do not think in the world there is a better place for the raising of horses than the Crow Reservation. There you have the altitude, quality of grass, the water, timber in the mountains for the paddocks; the timber for the buildings is right in the mountains to be sawed, and there is cedar for the fences without limit; irrigated land also almost without limit for the winter feed. There is everything there that is necessary to make a plant that would be profitable. And, as I stated to the committee, there is no other country on the face of this earth, except Russia, that can match in size a ranch of this kind. All these European countries have little farms—200, 300, or 500 acres. In Germany they have one with 2,600 acres, and they think that is exceptionally large. They spend $60 or $70 a year on the young horses that they are fitting. In this Montana country you could probably raise horses, when you have large numbers of them, at $12 or $15 a head and handle them. That is the comparative difference between the cost of handling in Europe and this country.

Senator DIXON. What is the average price the Government now pays for cavalry horses?

Mr. WOLCOTT. The last contract, I think, was in Kansas City about a month or six weeks ago, and the lowest bid was from $150 to $210 for the different classes of horses. My own opinion is that they will not be able to buy a single horse for $150 that can pass the inspection.

Senator DIXON. Well, based on your knowledge of the conditions in the West, where you were for so many years, and your knowledge of the horse business and the conditions on the Crow Agency, and knowing the character of the Crow Indians, could this horse farm, under intelligent management of the Indian Office, be made a profitable thing for the Crow Indians?

Mr. WOLCOTT. There is not the slightest doubt about it. The only trouble would be to educate the Indians, discipline and restrain them, and give them an understanding of the business, with the idea of ultimately turning it over to them and letting them manage it. But give them good discipline and a good understanding of it before that is done, and I have no doubt about the result.

I did some figuring upon this plant, forecasting the outcome of this proposed law, and I have no doubt, after the plant has come to its full stock of horses, that it will pay, net, $200,000 a year. That sounds very large, and I may get a reputation for being a horse crank, but it is not so. It can be done.

Senator DIXON. How many horses could be maintained on 350,000 acres of this Crow Reservation land?

Mr. WOLCOTT. With the feed for winter and so on, probably a herd of 15,000 mares alone could be held there. That is more, really, than you would breed. It would depend largely, if you furnished geldings to the Army, at what age they would be taken.

You will find in this book [indicating] a lecture by the present Quartermaster-General upon providing educating places for horses and buying them for the Army at the age of 3 years, I think.

Mr. WOLCOTT. But the Government does not get them for the cavalry service. Those horses are worth anywhere from $300 to $1,000 or $1,500.

Senator CURTIS. You can buy a good saddle horse for $200.

Mr. WOLCOTT. Not now.

Senator CURTIS. Well, you can do it. Of course, in 1896, you said you could not sell them at all.

Mr. WOLCOTT. That is another thing.

Senator CURTIS. You could not sell horses in 1893, 1894, 1895, or 1896; they were absolutely worthless.

Mr. WOLCOTT. That is, western horses.

Senator CURTIS. Now, what assurance have we that we won't have another period like that? The automobile is coming into use more and more every day.

Mr. WOLCOTT. An absolute certainty. There never was a time when good cavalry horses that would pass the inspection would not bring a good price.

Senator CURTIS. You said that horses that would make good cavalry horses sold in 1895 as low as $75, didn't you?

Mr. WOLCOTT. No; I never did. No; I do not think they did.

Senator CURTIS. I saw blooded horses all up the cost in Kansas sold as low as $75.

Mr. WOLCOTT. Blooded horses?

Senator CURTIS. Part-blooded horses; fine cavalry horses.

Mr. WOLCOTT. Well, I never saw them sold as cheap as that. If I had been asked, I would have said from $75 to $100. That is very low. But the cause that produced that condition of affairs could not possibly occur again.

Senator CURTIS. Why?

Mr. WOLCOTT. Well, the particular market for all that class of western horses was for the street cars, and the demand was enormous. The change to electricity came, and practically there was no further demand for western horses.

Senator CURTIS. Then the people turned to raising cattle and hogs and sheep, and the demand for them came back and the price increased.

Mr. WOLCOTT. There was a time after the drop in the horse market when really you could go over a western range and just help yourself to any horses you wanted and the owner would give you a bill of sale for them.

Senator CURTIS. The success of this plan depends wholly upon the way that ranch and the horses are managed, does it not?

Mr. WOLCOTT. Absolutely. It must be properly managed or else it will amount to nothing.

Senator CURTIS. It would be a failure?

Mr. WOLCOTT. Yes, sir.

Senator CURTIS. You have not figured on the cost of the men that it would be necessary to employ, outside of the Indians?

Mr. WOLCOTT. Oh, no.

Senator CURTIS. You would want men that were good judges of horses?

Mr. WOLCOTT. You would want a veterinarian; they cost about $1,800 to $2,000 a year; that is what they get in our yard—inspectors

who are good competent men. You could make it attractive for them by giving them a house to live in.

Senator CURTIS. Probably get them for $1,200 and their home, couldn't you?

Mr. WOLCOTT. No; not as cheap as that. I do not think I would be quite as economical as that.

Senator CURTIS. It would depend a good deal upon whether a man wanted to go out there?

Mr. WOLCOTT. Yes, sir. It would not be an excessive salary that they would want anyway. And then you would have to work your Indians in to do all the detail, except the top part of it, as fast as you could. It is an inclination among them all the time to hunt the buffalo and play wild west show, and so on.

Senator CURTIS. Is it your idea that the cattle scheme that the Government undertook for these same Indians a good many years ago failed simply because it was easy to steal the cattle, or was it neglect to take care of them?

Mr. WOLCOTT. No. Largely that. There was an adroit lot of thieves up there, and where they got back 900 head, and so on, there were lots they never did get back. It was so easy to take them and butcher them, and it was hard to identify them. There was lots of stealing done that way. Where the Indians got one animal back they probably lost twenty. That is about the size of it. And then it was pleasant, no matter what the issue of beef was, to go out and kill a nice young steer and have the boys around the tepee and divide it up among your friends and have a big feed. That was happening all the time. So I do not think that until you can give them better discipline you can do better than to get them where they can not eat up the stock in trade.

Senator CURTIS. They can ride horses to death.

Mr. WOLCOTT. No; not if you give them proper discipline. So far as that is concerned, there would be no riding for those horses except for the herding.

Senator CURTIS. That is, provided you would sell them when 2 years old?

Mr. WOLCOTT. Yes; there would be no riding. To make a success of it the young horses would have to be sold. It would not be possible to have a ranch of that size and break in a corps of horse trainers to handle the young stock. You would have to have about two regiments of men. The Government can better do that, and then send the other young stuff to market.

Senator CURTIS. Yes; but you are presuming that the Government will do that. The Government hasn't undertaken that.

Mr. WOLCOTT. My own judgment is that they will be glad to jump at the chance, if the price of horses continues on the upward turn. The present Quartermaster-General is in favor of it.

Senator CURTIS. He is in faver of the Government establishing a horse ranch of its own.

Mr. WOLCOTT. No. He is in favor of the Government establishing what are called "Remount stations," where young horses bought in the market are to be taken. He says buy them at 3 and 3½ years old. My suggestion would be to buy them at 2 years old. That would be the only issue between the present quartermaster-general and this scheme. They don't propose to go into the horse-breeding

proposition at all. That is the last thing they would undertake. But they want a supply of horses, and they want them very badly. Their plan to buy 3-year-old colts sounds very well, but it is not feasible, for the reason that the best of those colts are at an age when they are to be handled for fancy drivers and fancy riders, and they are beyond the price that the Army will pay for them.

Senator CURTIS. The Army won't buy a horse after it has arrived at what age?

Mr. WOLCOTT. Eight; say about 7. They look cross-eyed at a horse even at 7. That is the limit in the specifications.

Senator CURTIS. They buy principally bays?

Mr. WOLCOTT. Yes, sir. Any color except too light—grays or pintos or whites; those colors they won't have. The balance of them—sorrels and bays and blacks and duns and browns—they buy all those.

Senator CURTIS. That is all.

The CHAIRMAN. That is all, Major.

(Thereupon the witness was excused.)

Senator DIXON. Right at this time I want to call the attention of the committee in particular to the moneys to be distributed to these Crow Indians, under the act passed four years ago, from resales of ceded portions of that reservation. An item of $240,000 is to be set aside for the purchase of cattle; $15,000 from the proceeds of the sales of these lands is to be spent in the purchase of stallions; $40,000 is to be spent in the purchase of barbed wire and cedar posts. But here is the item of $40,000 already set aside, under the act of Congress of four years ago, which would be more than sufficient to fence the horse farm. Here is $15,000 already set aside for the purchase of stallions. I want to call the attention of the committee to show you that under the act of Congress already passed this money would be available by the time this horse-breeding farm could be ready for actual operation, not counting the $240,000 item specified in the act for the purchase of cattle.

Senator CURTIS. Which, at the consent of the Indians, might be used for horse-breeding purposes.

Senator DIXON. And I would further state to the committee that besides this $1,150,000, made up of the items which I have just quoted and others, my deliberate business judgment is that there will be a million dollars additional after filling up all these items, and $150,000 that will be derived from the sale of the surplus lands already opened to settlement.

The CHAIRMAN. I understood that Joe Cooper wanted to ask some questions of the committee. Do you?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Well, step up here and go ahead.

STATEMENT OF JOE COOPER—Resumed.

Mr. COOPER. The feeling among the boys was such that I wanted to clear myself. I have been accused of consenting to the selling of the reservation in connection when I stated here that I wanted to become a citizen under the Dawes Act. And Frank Shively has misconstrued my meaning and made the Indians believe, and told the Indians, that I had practically consented to give up the reservation.

Senator CURTIS. Who said that?

Mr. COOPER. Frank Shively. On those grounds I would ask the gentlemen kindly to say to the people who are here just as to how we stand in that respect between the Burke law and the Dawes bill; and also explain to them about taxes. In Mr. Dalby's report there is something about taxes, and that is all a vague idea with the Indians about taxes.

The CHAIRMAN. Do they think they have to pay any taxes?

Mr. COOPER. They have been told that repeatedly.

The CHAIRMAN. Who told them that?

Mr. COOPER. Different ones. It is safe to say that Major Reynolds advocates that we pay taxes, and Frank says that the Major has letters from Forsyth inquiring as to the property valuation of those who come under the Dawes bill.

Senator DIXON. That is from the county assessor of that county in which you people live?

Mr. COOPER. Yes, sir.

The CHAIRMAN. Do they think that there is any difference in regard to taxes under the Burke law or the Dawes bill until they get their final patent?

Mr. COOPER. They have that idea, that if they come under the Dawes bill they would have to pay taxes.

The CHAIRMAN. You want that explained to them this afternoon when they come in here?

Mr. COOPER. Yes, sir.

The CHAIRMAN. All right, sir. Anything further?

Mr. COOPER. That would be all.

Thereupon the witness was excused.

The CHAIRMAN. The committee will adjourn until 1 o'clock.

(At 12.15 the committee took a recess until 1 p. m.)

AFTER RECESS.

The committee reassembled at 1 o'clock p. m.

The CHAIRMAN. Mr. Shively, I wish you would tell the delegation that Mr. Cooper was here and said that there was some talk among the people as to taxes under the Dawes bill and under the Burke bill. Now, tell them that under the Dawes bill that when an Indian took his allotment, while he could not sell until he got his final patent in fee, yet he became a citizen when he got his trust patent, but under the Burke bill he does not become a citizen until he gets his fee patent..

Senator DIXON. Twenty-five years.

The CHAIRMAN. But that under either bill his allotment is not subject to taxation until he gets his fee patent and his personal property that comes from the Government is not subject to taxation until he gets his fee patent, whether it is under the Burke bill or the Dawes bill; it does not make any difference in regard to taxes. He is not taxed on his allotment or his Government patent until he gets his final patent.

(The above was interpreted to the delegation by Frank Shively.)

The CHAIRMAN. Now, tell them in regard to opening the reservation, what Joe Cooper said was, as I understood, not that he wanted the reservation opened but that he wanted his rights as a citizen.

(The above was interpreted to the delegation by Frank Shively.)

The CHAIRMAN. Now, have your people studied this bill?

Mr. SHIVELY. Yes, sir.

The CHAIRMAN. Are you ready now to talk about it?

Mr. SHIVELY. Yes, sir.

The CHAIRMAN. The committee will be glad to hear you.

Senator DIXON. Have you put your views in writing?

Mr. SHIVELY. We have an abstract of it in writing.

Senator DIXON. You have been in conference now about four days studying this bill?

Mr. SHIVELY. Yes, sir.

Senator DIXON. And this written paper which you now present is the result of your deliberations, and contains your suggestions as to changes in the bill?

Mr. SHIVELY. Yes, sir. The delegation desire to present their reasons for suggesting these changes.

The CHAIRMAN. The paper will be read.

The paper was read, as follows:

The members of the Crow Indian delegation convened together and looked over Senate bill 2963.

Beginning with section 4, we wish to make the following changes in the section:

Our reasons for making these changes are that the land in question belongs to us by right of inheritance and the title resting within the tribe, therefore making and allowing our men voice in anything touching the Crow Indian land. Section 4 reads: "That upon the completion of said allotments the President of the United States shall appoint a commission consisting of five persons, to inspect and classify, appraise and value all of said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior. Said commission to be constituted as follows: Two of said commissioners shall be persons holding tribal relations with said Indians, one representative of the Indian Bureau, and two resident citizens of the State of Montana." We demand to change to read as follows:

"Three of said commissioners shall be persons of the Crow Indian blood, one representative of the Indian Bureau, and one resident citizen of the State of Montana."

Reference to section 5 of the same bill, which reads: "Within thirty days after their appointment said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk, at a salary not to exceed $7 per day." We demand the following changes: The reason for asking for these changes are that we have among our own members young men who are educated and fully competent to do the work as clerks, therefore we wish to make this change. The change would read like this: "That within thirty days after their appointment, said commissioners shall meet at some point within the Crow Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk, who shall be a Crow Indian and shall be paid at a rate not to exceed $7 per day, to be paid by the United States."

SEC. 6. That said commissioners shall then proceed to personally inspect and classify and appraise by the smallest legal subdivisions of 40 acres of all the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural lands; second, grazing lands; third, mineral lands or mineral land not to be appraised; fourth, timber land. That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands. Such inspection and classification to be completed within one year from the date of the organization of said commission. That said commission shall in their report of lands of the fourth class determine as nearly as possible the amount of standing, merchantable timber or legal subdivisions thereof, and in so determining the amount of timber they shall be empowered to employ such timber cruisers as may be necessary, at not to exceed $8 per day while so actually employed.

We wish to make the following changes to section 6:

In reference to the classes of land, change, "First, irrigable lands; second, agricultural land; third, grazing land; fourth, mineral land, the mineral land not to be appraised or sold but to remain as common property of the Crow Indians; fifth, timber land. That said commissioners shall be paid a salary of not to exceed $10 per day, and the Indian members of the commission shall be paid from the funds belonging to the Crow

Indians and the other citizen members of the commission shall be paid by the United States, while actually employed in the work of inspecting and classifiying said lands."

At line 11 change the word "fourth" to "fifth," and in reference to line 16 add "the cruisers may be paid at a salary not to exceed $8 per day while so actively employed, to be paid by the United States."

On Wednesday, the 8th instant, the Crow Indian delegation reconvened in the afternoon at 1 o'clock and discussed section 7 to parts of section 9, which they discussed very thoroughly, and adjourned at 4.30 o'clock.

Carl Leider, speaking for the delegation, showed the objections presented by them in reference to section 7 of the bill, wherein the State of Montana is granted sections 16 and 36 in any one township, paying $1.25 an acre for same. He states that in the previous bill of 1904 there was a clause of the same status and same condition permitting the governor of Montana to sell these two sections in any one township for school purposes, and by experience and the fact showing that the Indians received $1.25, the State of Montana sold these sections at, averaging, $12 an acre. This can be shown and proven at the land office at Billings, Mont. We therefore want to appear protesting against selling our lands for $1.25 an acre, and we would meet the proposition halfway by making it $6 an acre, and the proceeds of such sale shall be paid to the Crow tribe as a whole.

Carl Leider, representing the delegation, the delegation speaking for the whole tribe, states that they will insist that in case where by reason of allotment to an Indian that has already been made under sections 16 and 36 in any one township, the State of Montana, in selecting those two sections for school purposes, shall not be permitted to go out of that very same township, but shall select lands in lieu thereof in that very same township.

Section 7, line 8, strike out the word "any" and insert "that very same;" same section, line 15, strike out the words "one dollar and twenty-five cents" and insert the words "six dollars."

Section 8. There being no changes requested or desired to be made in reference to section 8.

Chief Plenty Coos, speaking for the delegation, shows his objections to section 9, and he states that the lands of the irrigable class are all allotted to the Indians, dead and living, and that the ditches that were built on the Crow Reservation were practically paid for by the Crow Indians from funds furnished from the sale of their ceded strips, and contends that those ditches were paid for by the tribe, therefore those ditches are common property of the whole tribe, and if any white man settling under those ditches or any other ditches that are to be built, are to be paid for by the Crow tribe, the proceeds and the proportionate cost of those allotments under the ditch, that is the white man entering paying for the land in compliance with the existing law, whatever has been paid in reference to obtaining water for his homestead or other payments in reference to water right shall revert to the Crow Indian tribe, and he also states that any dead Indian lands that shall be sold the buyer shall pay for the value of that land only, aside from that shall pay for the water right, and such payment shall also revert to the Crow Indian tribe, the water being the common property of the Crow Indians, the whole should receive the benefit thereby, and these are the changes he wishes to appear on the bill:

In section 9, page 6, line 5, after the word "land," insert the words "whether lands bought from heirs of dead Indians under law;" same section, same page, line 10, strike out word "fifteen" and insert the word "five;" same line, after the word "installments," insert the words "and all the unpaid amount shall bear interest at the rate of 5 per cent per annum;" same and following line, strike out the words "at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid," and insert in lieu thereof the following: "to the Crow Indians, under the direction of the Secretary of the Interior. When a white man buying dead Indian allotment under an irrigation ditch shall pay the heir for the value of land only and shall pay for the water right and the payment for such water right shall revert to the Crow tribe. In case where one Indian purchases dead Indian land from another Crow Indian the water right will go with the title of the land, and the Indian purchaser shall be given preference in case where an even offer is made for the land."

Same section, same page, line 19, after the word "tract," insert the words "to the Crow Indians."

On page 8 strike out all of lines 4 to 25, inclusive; and on page 9 strike out lines 1 to 16, inclusive, and insert in lieu thereof the following:

"That all live Indians now living along the Yellowstone River that have allotments under the Huntley project shall be given water rights, and for such water rights payments to be made from funds in the Treasury to the credit of the Crow Indians, and that hereafter the Indians holding allotments on said ditch shall be entitled to water

rights on same, and that the expense of maintaining and operating said ditch shall be paid from the funds of the Crow Indians.

"And also the ditch to be built known as the 'Two Leggin Ditch,' and all the Indians living under that ditch shall receive water rights under the same conditions as above specified.

"And further and before any proposed ditches be constructed the consent of the whole Crow Indian tribe shall be obtained."

On page 10 strike out all of lines 6, 7, and in line 8 strike out the words "in the education and civilization of said Indians" and insert in lieu thereof the following: "That one-half of the money shall be paid to the members of the Crow tribe in bulk, so that they can purchase their own implements and buy their own stock under the direction of the Secretary of the Interior."

On page 12, section 14, strike out all of lines 4, 5, 6, 7, and 8 and insert in lieu thereof the following: "That all lands remaining unsold at the end of five years shall revert to the Crow Indian tribe."

On page 12, section 15, line 14, strike out the words "one dollar and twenty-five cents" and insert in lieu thereof the words "six dollars;" and in the same section strike out the words "the sum of one hundred thousand dollars" and insert the amount that the school sections would bring at $6 per acre, as proposed in the above amendment.

In line 20 strike out the words "and for the survey and construction of;" and in line 21 strike out the words "irrigation systems on said lands."

The CHAIRMAN. Now you people desire to make some statement in addition to this and in explanation of it, I understand?

Mr. SHIVELY. Yes, sir.

The CHAIRMAN. You may proceed.

STATEMENT OF PLENTY COOS—Recalled.

PLENTY COOS was recalled and made the following statement, through Frank Shively, interpreter:

PLENTY COOS. I have been considering the bill. It is a pretty big proposition, and I want to consider it very thoroughly and not to have our people come to conclusions in after years that I have made something that would be to the detriment of the tribe. I have been considering the bill the very best I could, and with the knowledge that I have, and that is the reason I took four or five days to present that paper.

I came here for the express purpose of refusing to give my consent to the opening of that reservation. You told me to take the bill and think it over and revise it to the best interests of the Indians. I have finished that paper, but that does not give the consent of the tribe to the opening of that reservation.

Senator CURTIS. That is, they still object?

PLENTY COOS. They still object. I wanted to talk to you when I came over here from my country, and as I am always the one to take the stand and talk I would refuse consent in case I go back home and the bill goes through Congress and becomes a law. You understand my position in this case. It is done over my head.

The CHAIRMAN. (To Interpreter Shively.) The committee understands that you do not consent by joining in these proposed changes. We understand that notwithstanding you have joined in those changes that you still object to the opening of the reservation, and that that objection will appear in the record and be printed.

PLENTY COOS. In case the bill goes through Congress and becomes a law, and the reservation is thrown open, before that time comes I want to increase the number of acreage in the grazing allotment.

The CHAIRMAN. That is, increase the number of the acreage in all the grazing allotments for each Indian.

PLENTY COOS. For each Indian; yes, sir. I came here with a delegation of the Crow Indians to talk over the land matter, and there are several things that have been talked aside from the main thing that I came for. The question of this bill was touched upon a little while ago. If the young men make the statement that they want to become citizens, they can be; let him become a citizen if it is to his own advantage, and let him take his medicine, like the rest of the citizens; but the main body of the tribe do not want to become citizens—the main body of the people that eat buffalo meat—we are the people who do not want to become citizens. We are working and developing our allotments, raising grain and chickens, etc. I am working right along now in developing my allotment and improving it, putting in garden truck, and I have not time to think about these side matters at all. I am too busy working trying to get along. I make a straight line in front of me and follow that in the progress.

I have finished the statement; I was given permission to revise the bill; I have put in my time on it and I have seen you and all the members of the committee and seen the President and Secretary. Now it is farming time, and I want to go home and attend to my garden and my hay and grain and fields and look after my stock, so as to have something for my wife and children to live upon. I am working for their interests, and I want to go and see that they have something that they can live upon.

The paper is in the way, I think, to the best of my knowledge and belief, and I want you gentlemen to give it your very candid consideration and give us the benefit of all doubts of any kind for the Crow Indians.

That is all.

STATEMENT OF SEES WITH HIS EARS.

SEES WITH HIS EARS (through Interpreter Frank Shively) stated as follows:

SEES WITH HIS EARS. I came to see these members of the committee, and now that I have seen them it makes me feel good. I am in the same position as Plenty Coos, our chief, refusing to give my consent to that bill.

That is all.

STATEMENT OF SCOLDS THE BEAR.

SCOLDS THE BEAR (through Interpreter Frank Shively) stated as follows:

I want it to appear on the record, like my chief, Plenty Coos, and Chief Sees with his Ears, that I am of the same opinion, protesting against the opening of the reservation. I want it to appear on the record that I protest to that bill. We do not want to have the reservation thrown open in spite of the protest that I have made. The Government appointed a white man and placed him on the Crow Reservation as the agent for the Crow Indians. I see that that agent has been working right along with the Indians toward something that they might gain. Hereafter if any party comes to the reservation and stops the people from their progress, or bothers the people in their

efforts to gain their livelihood, I will put it down in writing and send it to you that you may prevent its taking place again.

That is all.

Senator DIXON. Who do you refer to there?

SCOLDS THE BEAR. Mrs. Grey. That is all.

STATEMENT OF JAMES HILL.

JAMES HILL (through his interpreter, Frank Shively) stated as follows:

The Crow Indians have made the effort of becoming civilized, and they were baffled; they did not comprehend the white man's methods of doing things, even at the time when they were drawing rations. Now the rations have all been cut off, and when that was done, it seems that the people made faster progress and understand the value of money now better than they did four or five or six years ago. Six or seven years ago when those farming implements were bought for the Crow Indians and issued out to them, now those Indians go ahead and work and use their plows, and when the season was opened they would see the plows standing out on the field or anywhere they would leave them, but now I can not see a plow standing out by the road or anywhere else, because the Indians buy their own plows now, and they take them in and put them away so they can have them for next season. Now that goes to show that we have progressed enough to know the value of different things. This reservation that is going to be thrown open is one of the principal things that we are going to use because we have proved that we can support ourselves, and if a man can prove that he can support himself, it stands to reason that he will work and endeavor to increase his holdings, and we expect that, and we expect to increase our stock. We are going to use every foot of that land that is to be thrown open, and we do not want to sell it at all. Heretofore in all the treaties that the Government has made with the Crow Indians, the Crow Indians have always consented to let the Government have the tract of land after we have talked the matter over, and the Indians always said, "Yes, you can. have it," and the Government has taken it. But this time we refuse.

STATEMENT OF GEORGE PEASE.

GEORGE PEASE. I want it to appear on the record that I am with the delegation, refusing to give my consent to the opening of the reservation.

STATEMENT OF BIG MEDICINE.

BIG MEDICINE (through Interpreter Shively) stated as follows:

As Plenty Coos has said, I say, and we all say the same, refusing to give our consent. If it is done it is done in spite of us because you have the power and you have the might, and you took it and you used it. That is what I want to say; to state my mind that way because you can do it if you want to do it, but we refuse to give our consent. We have given our statement there and that is the final conclusion. We stand pat. If it is done you do it because you have the force. The land is mine and I do not want to sell it.

That is all.

STATEMENT OF DAVID STEWART.

DAVID STEWART (through Interpreter Frank Shively) stated as follows:

The chiefs have said their say and their views are the sentiment of the whole tribe. They refuse and so do I. I refuse to give my consent.

STATEMENT OF JOE COOPER.

JOE COOPER stated as follows:

I want to go on the record as saying that I am here to the best interests of the whole people by whom I am sent here, and that my position, I believe, is well known to the committee. I have reason to believe that. I refer particularly to the protest that was sent by the Indians, and even if it is taken for granted that this delegation is properly sent here, the question of considering as to what we shall do with our money in the event that Congress should see fit to take our land, the committee will consider for the best interests of the Indians that the proceeds shall be considered hereafter by an open council at Crow Agency. I wish also to say that I will not betray my people. For that reason I have not considered any part nor portion of this proceedings, although I have helped them to make changes because I considered it was Hobson's choice. On those grounds I have helped the boys.

That is all the statement I wish to make regarding it.

The CHAIRMAN (to Interpreter Frank Shively). You may say to these people that the committee has heard what they said and have read what has been put in writing and they will study it very carefully and try to do the best they can in view of all the conditions, including the request of the Indians.

(The above was interpreted to the delegation by Frank Shively.)

The CHAIRMAN. But that the policy of the Government has been to open reservations and give each Indian his own individual property, and that the probability is that that is what Congress will do now, but in doing this the committee will carefully consider all that these people have said to them.

(The above was interpreted to the delegation by Frank Shively.)

The CHAIRMAN. Have you talked over the bill in regard to the horse-breeding matter?

Mr. SHIVELY. No; we have not touched on that bill as we have been too busy on this land-opening bill.

Senator DIXON. They know of the general proposition, do they not, Shively? They know about the proposition to set aside 350,000 acres on which to breed horses?

(The above was interpreted to the delegation by Frank Shively.)

Mr. SHIVELY. The opinion expressed by the Crow delegation was, after discussing the Senate bill for the opening of the reservation, that they could consider that bill separately from this.

Senator DIXON. In other words, you mean that they would go through it in detail as to the different provisions of the bill.

Mr. SHIVELY. Yes, sir.

Senator DIXON. What do they think of the general proposition of setting aside 350,000 acres for a big horse farm to raise horses for

the Army, to be owned by the Indians, no white man to have anything to do with it except the agent?

(The above was interpreted to the delegation by Frank Shively.)

Mr. SHIVELY. Yes; they have a general knowledge, but they have not studied it very thoroughly like they have the other one, and they would want to make a few changes in it.

Senator DIXON. But as a general proposition, are they favorable, in the event the reservation is opened, to set aside this land for the horse-breeding proposition, or are they against it as a general proposition—not as to the details of the bill?

(The above was interpreted to the delegation by Frank Shively.)

Mr. SHIVELY. Plenty Coos says he considered the bill in a general way and the opinion of the tribe is in favor of it for that purpose, retaining some portion of the reservation for the tribe.

Senator DIXON. I want to ask George Pease one or two questions. Mr. Pease, you are only half Indian, I believe; you are half white, are you not?

Mr. PEASE. Yes, sir.

Senator DIXON. Your father was the old Indian agent there many years ago, was he not?

Mr. PEASE. Yes, sir.

Senator DIXON. What is your occupation?

Mr. PEASE. Oh, I have a little store there now. I have been ranching for the last year or so—about a year.

Senator CURTIS. How much of a ranch did you have allotted to you?

Mr. PEASE. About 1,700 acres.

Senator DIXON. You have allotted to yourself and family 1,700 acres of land?

Mr. PEASE. Yes, sir.

Senator DIXON. How much of that is under irrigation?

Mr. PEASE. About three or four hundred acres—may be more.

Senator DIXON. Can any more of it be irrigated?

Mr. PEASE. No; there is not much water in the creek.

Senator DIXON. How much hay do you raise on that ranch?

Mr. PEASE. I raise about as high as 800 tons; that is the most I ever raised.

Senator DIXON. How much oats do you raise on it?

Mr. PEASE. I raise a good deal, about five or six hundred sacks a year. In the summer it is oats.

Senator DIXON. That would be about a thousand bushels?

Mr. PEASE. Yes, sir.

Senator DIXON. A thousand or twelve hundred bushels?

Mr. PEASE. Yes, sir.

Senator DIXON. How much wheat?

Mr. PEASE. About the same.

Senator DIXON. A thousand or twelve hundred bushels of wheat?

Mr. PEASE. Yes, sir.

Senator DIXON. What is the cash value of the average crop that you raise on that ranch?

Mr. PEASE. I have sold hay for $5 a ton. Oats I have sold for—I think I got $1.25.

Senator DIXON. A hundred pounds?

Mr. PEASE. Yes, sir.

Senator DIXON. Then, if you raised 800 tons of hay at $5 a ton, that would be $4,000 worth of hay that you produced on that ranch?

Mr. PEASE. Yes, sir. I do not sell all of it. I sell what I want and feed some.

Senator DIXON. I will ask you whether or not the Indians were instrumental in getting Charlie Bair to pasture his sheep over there so as to make a market for the hay and stuff that they raised?

Mr. PEASE. Yes, sir; that is what they wanted him up there for. They wanted him up there this winter but he did not come back.

Senator DIXON. Is it of any advantage to the Indians for Bair to have his sheep up there?

Mr. PEASE. Well, they sell everything they raise, and it gives lots of work for them, and everything like that.

Senator DIXON. That is all I care to ask.

The CHAIRMAN. Mr. Cooper desires to make one additional statement.

JOE COOPER. I wish once more to go on the record as saying that the sentiment of the Crows is bitterly against the horse bill in general.

The CHAIRMAN. Would it not be natural, if they are opposed to throwing the reservation open, and if the reservation was going to be thrown open, that they would be in favor of a bill which would keep two or three hundred thousand acres subject to their rights in the general raising of horses?

JOE COOPER. I am speaking with regard to the present pending bill which is before the Senate. In that reference I object to this thing.

Senator DIXON. In the event the reservation is opened you do not want any land reserved for the horse-breeding proposition?

JOE COOPER. Yes, sir; I would take the land, but not in connection with horses. It is too complicated.

CARL LEIDER. Mr. Chairman and gentlemen, I would like to ask if Mr. Cooper is speaking for himself or for the whole tribe?

JOE COOPER. I am speaking for the tribe.

CARL LEIDER. What tribe?

JOE COOPER. The Crows.

CARL LEIDER. What part of the Crows?

JOE COOPER. The district I represent.

CARL LEIDER. What district is that?

JOE COOPER. Both Lodgegrass and Reno districts.

CARL LEIDER. Reno has a representative here—David Stewart. He is in favor of this horse proposition. We have talked the matter of the horse question, I think, over thoroughly among the Indians, and we understand that in case this reservation is opened they want the horse bill to go in order to retain some part of their reservation, but if the land is not thrown open, some parts of the reservation, some Indians do not want the horse-breeding bill at all.

Senator CURTIS. They all want it in case the reservation is opened?

CARL LEIDER. They all want it in case the reservation is opened. That has been my understanding all the while. As to these fellows here, one says in case the reservation is opened that they would retain a certain part of it for breeding horses.

JOE COOPER. I believe that these people will bear me out in that, and what they have told me is the voice of the whole tribe.

Senator DIXON. And you are speaking now for the regularly selected delegates who have been sent here by the Crow council?

CARL LEIDER. Yes, sir.

Senator DIXON. Then when Joe Cooper says that they are bitterly opposed to it he is speaking for Cooper and not for the Indians.

CARL LEIDER. He is speaking for a certain part of the Indians living on the reservation.

Senator DIXON. Cooper was not elected a delegate at your council?

CARL LEIDER. He is not a member of our delegation; no, sir.

Senator DIXON. And the consensus of opinion of your regularly elected delegates is that in the event the reservation is to be thrown open you want the horse reservation reserved from the opening?

CARL LEIDER. Yes, sir.

FRANK SHIVELY. With a few modifications thrown in, a few changes. Of course, we want to present it like we have the other.

Senator CURTIS. Have you presented those alterations that you want in this horse bill?

Mr. SHIVELY. Not yet; we have just got through with the other matter.

Senator CURTIS. Are you familiar with the horse bill?

Mr. SHIVELY. No, sir.

Senator CURTIS. You will file those with us on Monday?

Mr. SHIVELY. Yes, sir.

The CHAIRMAN (to Frank Shively). Tell the delegation to bring in what they have on the horse bill on Monday at 2 o'clock. Tell the delegation also that anything they want to say about the horse bill will be regarded by the committee with their opposition to the opening of the reservation, just as the other one.

The above being interpreted—

PLENTY COOS. Yes.

JOE COOPER. Mr. Chairman, I have been asked whether I was speaking for myself or for the tribe; as to my individual self I was asked whether I was representing my own interest or those of the Indians. In that event, I would ask Mr. Carl Leider whether he is representing the best interests of his people or speaking for himself entirely?

The CHAIRMAN. Well, Mr. Leider assumes to be representing the tribe here as one of the regularly selected delegates. I apprehend that that is the issue between you and him.

CARL LEIDER. How many of the men in your lodge do you claim to represent here?

JOE COOPER. It is close to 100 that I represent.

Senator CURTIS. I understand that that 100 that you say you represent are opposed to the opening of the reservation.

JOE COOPER. Yes, sir.

Senator CURTIS. And you are opposed to the horse bill?

JOE COOPER. Yes, sir.

Senator DIXON. Even though the reservation was opened?

JOE COOPER. Yes, sir.

Senator CURTIS. If the reservation is opened, how would your crowd feel about the horse bill?

JOE COOPER. They do not want any horses at all.

Senator CURTIS. Why?

JOE COOPER. Because they do not understand it.

Mr. SHIVELY. As I understand Mr. Cooper, he says the Indians do not understand horses.

Senator CURTIS. No; he said he did not understand the horse bill.

Senator DIXON. The Crows are the expert horsemen of the West.

(At this point the committee adjourned until Monday, April 13, 1908, at 2 o'clock p. m.)

COMMITTEE ON INDIAN AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., April 13, 1908.

The committee met pursuant to adjournment.

Present: Senators Clapp (chairman), Sutherland, Brandegee, Curtis, Brown, Dixon, Stone, and Paynter; also, the Crow Indian delegation.

The CHAIRMAN. Has the delegation anything further to submit to the committee?

PLENTY COOS (through Interpreter Shively). I have received this telegram [producing telegram].

The CHAIRMAN. The telegram will be received.

The telegram is as follows:

[Telegram.]

PRYOR, MONT., *April 12, 1908.*

PLENTY COOS, *Chief of Crow Indians, Washington, D. C.:*

All Pryor Indians say they did not send Joe Cooper to Washington and don't know who did. He is not a Crow. We do not want to throw our land open and don't want him to talk.

HENRY RUSSELL.

The CHAIRMAN. Is there anything further that you desire to submit?

PLENTY COOS (through Interpreter Shively). In reference to Senate bill 2087, for the purpose of creating a corporation to be known as "The Crow Horse Company," the Crow delegation, speaking for the tribe, wish to make the following amendments and suggestions to the same:

On page 2, line 23, strike out the words "twenty-five years" and insert in lieu thereof the words "fifty years."

On page 4, line 14, strike out the word "who" and insert "a member of the tribe shall be ex officio secretary and also a member of the tribe shall be treasurer and three other members, holding preferred stock, making five of the board of directors Indians, and these five to be selected so as to represent the five districts on the Crow Indian Reservation."

Same page, line 20, strike out the word "an" and insert the word "five."

On page 4, lines 20 and 21, strike out "other two directors" and insert in lieu thereof the words "holders of the common stock."

On page 5 add, on line 1, after the word "the," the words "stockholders and the."

Same page, line 15, strike out the word "thirty" and insert in lieu thereof the word "fifty."

Same page, line 22, strike out the word "farm" and insert in lieu thereof the word "farms."

Same page, line 23, strike out the words "three hundred and fifty thousand" and insert in lieu thereof the words "seven hundred thousand acres of unallotted lands."

On page 6, line 9, add as follows: After the word "be" insert "designated by the holders of both common and preferred stock and then."

On same page, line 13, change "twenty-five" to "fifty."

Page 7, after close of section 3, add the following: "And that Indian children born after the close of the allotments that are being made to the present members of the Crow tribe, shall select and be allotted lands out of any lands that are being reserved under this seven hundred thousand acres, not to conflict in any way as to the management of the horse company."

And that all unsurveyed land in the Big Horn Mountains shall be reserved for the entire benefit of the Crow Indians; also the mountains known as "Pryor Mountains" and Wolf Mountains.

I want to say that when I go back I have that one idea in my head—I never have consented to the opening of the reservation. If the bill is to go through in spite of our protest, I want to consider allotting all these dead Indians that have selected lands to live upon them in some parts and improve them and who died before they were allotted. They acted in good faith and complied with the wishes of the Department by selecting and living upon those allotments, and the Department failed to make good as promised, if he selected the ground that the Department allotted and would give him a patent for, and he died in the meantime; all those people ought to be allotted just like the rest of them from the year when the treaty was made with the Indians.

The CHAIRMAN. What you mean is that where an Indian made a selection and died before there was any trust patent issued that his heirs ought to have an allotment for the one that he selected.

PLENTY COOS. Yes, sir.

The CHAIRMAN. That is what you mean?

PLENTY COOS. Yes, sir. The matter of creating the tribe into one corporation for the breeding of horses has been talked over, and I understand it, but the tract of land that is designated in that bill is not large enough for a big corporation like that, and the tribe wants to have the selection of certain tracts of land to be set aside for that purpose. The bill says 350,000 acres. Now, they want to increase that to 700,000 acres, and the surplus of the reservation being 1,700,000 acres, but I have not consented; but if it comes, let the Government open 1,000,000, or whatever amount is left after setting aside two or three things like that, and increase the acreage of the corporation to that. The reason why I ask for a large tract of land is that I want to have it appear in the bill that any child born after the allotment was made I can select land in that reservation set aside for the horse business.

And now as to the mountains: Some of those mountains are not surveyed yet, and when they are surveyed I want to have them surveyed for the benefit of the Indians and under their control, and endeavor to have it so that the tribe will get the title to those moun-

tains, because there is no white man living out there who will receive any benefit from those mountains, because the Indians use them to hunt on, and there are fish streams there, and it is practically the source of their livelihood, the mountain streams up there being in places that can be cultivated, and are now being selected by the babies that were born between them. I want to have it so that those mountains will be set aside for the exclusive control of those Indians.

The CHAIRMAN. I think what he means is for the use of the Indians instead of the control of the Indians.

PLENTY COOS. Yes, sir. In reference to the reservation boundary, I saw the corner stone in one place there, and now, as I understand it, it has been moved 1 mile or a mile and a half from the original place—toward the reservation.

Senator CURTIS. And you want that boundary resurveyed?

PLENTY COOS. Yes, sir.

Senator CURTIS. And the stone put back where it belongs?

PLENTY COOS. Where it was, in its original place.

The CHAIRMAN. When you first saw the stone had the land around there been surveyed by the Government into sections and quarter sections?

PLENTY COOS. The mountains are not surveyed, but the foothills are——

The CHAIRMAN. No; but where you saw this stone before it was moved, had the land been surveyed around in the neighborhood of that stone at that time?

PLENTY COOS. I do not know, but I am speaking of the boundary lines of the reservation.

The CHAIRMAN. What I want to know is when you first saw the stone on the boundary line, before it was removed, had the reservation around that stone been surveyed—had the land around the stone been surveyed?

Mr. SHIVELY. I can answer that for him. It had been.

PLENTY COOS. You know me as I am, and you know exactly as I stand, and you know that I am working to make my own living for my self-support and my children. I am the head chief of all the Crows. I have made statements here, and all my statements have been taken down in writing. I told you my idea, my own ideas, what I could do for the benefit of the whole Crow tribe. I speak for the tribe. What I say I say it freely, and all my remarks are left here now. I think I have finished as far as talking it over here is concerned, and it is springtime now, and the work season is coming on, and we have to do our own farming out there for our own support, and we want to go home now and attend to our farms. I am going back there to attend to my own business, bothering no one else, and I am under the control of the Government and will let the Government officials handle my business for me. It will be all right for you or anyone in this committee room to come and visit me officially or investigate whatever may be investigated, but I do not want any outside parties to go there and do the investigating, because it bothers the Indians, it retards them in the progress that they are trying to make, and it seems to put a stumbling-block in the way. Now, I want that understood, and ask not to be bothered by any outside parties, but to be controlled and inspected through the Government source.

That is good.

Senator CURTIS (to Interpreter Shively). Tell him for me that as a member of this committee I am glad that he came down here and brought some of his people with him, and that I have listened with a good deal of interest to what he has had to say as to how his people are getting along up there, and that I hope he will continue the practice of encouraging the younger Indians to take their allotments and work them for themselves. I think it is a splendid thing for him to go around and show them as he has done.

(The above was interpreted.)

Senator CURTIS. Tell him that we do not know what the committee will do with these bills, but that I do know the committee will give what he has said, as well as what the other members of the delegation have said, careful consideration.

(The above was interpreted.)

Senator CURTIS. Tell him I know that they want to do what they think is for the best interest of the Indians.

(The above was interpreted.)

Senator CURTIS. Plenty Coos, can you tell us where that corner stone was that was removed, whether it was one corner stone of the reservation or whether it was one of the inside stones between the two corners that you say had been removed?

PLENTY COOS. I mean the reservation line.

Senator CURTIS. Which line; the east line?

PLENTY COOS. The south line.

Senator DIXON. Who was it that he said removed it?

Senator CURTIS. He stated that when he went out there and saw the stone it was in one place, and when he came back the next time he saw that the stone had been moved about a mile on the reservation.

Mrs. GREY. I do not know whether it should be a straight line or whether it should be a curved line, but they took the wrong one anyway, and there is a difference of about 31,000 acres.

Senator DIXON. What do you know about that, Mr. Reynolds?

Mr. REYNOLDS. I never heard of that. The line was surveyed by the surveyors; it jogs in and out, and if there is a straight line there is a stone set every mile.

Senator CURTIS. You can look into that matter, and it can be resurveyed if necessary.

STATEMENT OF BIG MEDICINE.

BIG MEDICINE (through Interpreter Shively). When I shake hands with you I mean that I am glad you will do this. Because I shake hands with one and the other of you it is not a sign that we give in in this proposition. I hope you will all help this delegation in the stand we have made and give us all the benefit of everything there is and leave the reservation intact for us. I always remember the United States Government; they are the ones that put me on my feet. With reference to the inspections made on the reservation, it is the proper thing for the United States inspector to go out there and visit the agent and see the chief. That will be all right, but there are outside parties coming in there and trying to investigate it, and it seems that caused trouble among the Indians to a certain extent, and it was decided to be to the detriment of the Crows to have any outsiders to

come in there and make an investigation. Now, that I know you, it makes me feel very glad. If anything takes place out there on the reservation that I do not like I will send a message or a telegram to the Government here in order to prevent anyone on the outside coming in or trying to come in without permission from the Government. I want to put it so that you people will know that we object to it, and we won't have it any more.

STATEMENT OF SEES WITH HIS EARS.

SEES WITH HIS EARS (through Interpreter Shively). I came here to see the members of this committee and I saw them. Now, in my own mind, I think it is a very fine class of men got together to do whatever they could for the Indians. I consider myself to be one of the chiefs of the Crow tribe, and I came here knowing the stand I had taken, and I have done my duty, and it makes me feel good. You know the stand that they made and heard what they said, and I want to leave on the record that I never consented. Now, when any white man is appointed as agent for the Crow Indians, when the term of appointment is expired and the agent has proved himself to be a good agent the Government ought to promote him.

That is all.

Mrs. GREY. I would like to say just a word in conclusion and to offer these two exhibits.

The CHAIRMAN. The exhibits will be received in evidence.

The exhibits referred to are marked "H. P. G. Nos. 1 and 2," and are as follows:

STATE OF KANSAS, *County of Douglas, ss:*

George W. Hogan, of lawful age, being first duly sworn, says: That he is a member of the Crow Indians located within the Crow Indian Reservation, State of Montana. That he is a graduate (class of 1904) of the Indian school located at Carlisle, Pa., and is now taking a business course at Haskell Indian Institute, Lawrence, Kans.

This affiant states that he is conversant of conditions within the said Crow Indian Reservation, and from his personal knowledge, together with what he has heard from reliable sources, he believes a strong tendency exists on the part of United States Indian Agent Reynolds, in charge of Crow Agency, to unjustly punish members of the said Crow tribe by imprisonment, or otherwise, who criticise what they may deem to be wrongdoing on the part of said Agent Reynolds or other persons in charge at the said agency, to the end that persons (members of the tribe) who are inclined to criticise wrongdoing will be led to feel that such criticism will not be tolerated; all of which has the effect of silencing all Crow Indians who might otherwise make objection to that which they believe to be wrongdoing in the administration of Government affairs at the said agency.

This affiant further states that in about the spring of 1904 he had been employed by the United States allotting agent, John K. Rankin, in the said reservation; that at one time this affiant refused to sign certain vouchers for labor which he had performed for the said Rankin, believing at the time that the transaction was not altogether straightforward; but that this affiant did finally sign the said vouchers, after which he left the employ of the said Rankin. This affiant further states that two days after he had quit the employ of said Rankin he was sent for by said Agent Reynolds to come to the agency, and that the next day this affiant reached the agency, supposing that said agent desired to employ this affiant to do certain tin work which this affiant understood how to perform; but in this supposition he was mistaken. Soon after arriving at the said Crow Agency this affiant was accosted by said Agent Reynolds, who said to this affiant in substance: "What is the matter with you? I want you to understand that we can handle you. I will put you in jail for thirty days." The said Agent Reynolds immediately called a policeman and ordered said policeman to take this affiant to Mr. Campbell, another officer at said agency, and thereupon said Campbell put this affiant in jail at said agency where this affiant remained for a period of five days, performing labor during the first four days with nine other persons who were also prisoners.

This affiant strongly protests that he was unjustly deprived of his liberty, and after four days he told the officer in charge of said jail that he would demand an investigation when he was set at liberty. On the fifth day during which this affiant was imprisoned he was set at liberty by Agent Reynolds, who told this affiant that if an inspecting official came to the reservation that this affiant must attend to his own business, and that he, the said Agent Reynolds, would furnish this affiant with all the barbed wire he wanted and aid him in every manner. This affiant understood this to mean a recompense for the unjust imprisonment and to influence this affiant to make no complaint when any inspecting official visited the said Crow Reservation.

This affiant further states that he was not given a hearing before being imprisoned, as aforesaid, by order of said Agent Reynolds, and was not informed at any time why he was thus deprived of his liberty; but fully believes it was because this affiant had made objections to sign vouchers presented by the said John K. Rankin, hereinbefore mentioned.

This affiant further states that to the best of his knowledge and belief, he has committed no offense and that the said imprisonment was altogether unlawful and unjust.

GEORGE W. HOGAN.

Subscribed and sworn to before me, a notary public in and for Douglas County, Kans., this 26th day of December, 1907.

[SEAL.] GEO. A. BANKS, *Notary Public.*

(My commission as notary public expires November 27, 1908.)

Re Mrs. Helen Grey: It is a mighty difficult proposition to get women (or men) with troubles to the President and it's liable to make one persona non grata to push such things. I've put Mrs. Grey off till to-morrow until I could communicate with you. I can see that if I don't get her an interview she is going to say I'm disinterested and have spoiled her chances of getting next otherwise, and all that, and be nasty.

Please let me know more about Record-Herald's interest in her. If she has a story, why doesn't she write it—what is she going to gain by seeing the President? It strikes me as bad policy to try to get her to Loeb or the President and in a way standing for a game we know nothing about.

She sought to represent herself to me as authorized Record-Herald representative at first and started to force me to action.

Just this minute your message re Mrs. Grey has arrived. It is hard at this distance to explain what I want—if you had been in Washington a few months you would understand—I think it's bad business to butt in for persons who "want to see the President." There are hundreds of them—some with just cases and some not—but it's hard to differentiate. Is it well for us to go outside our real work to take risk in this case? Let me know more about Mrs. G.

S. M. C.—6.50 p.

R.

Mrs. Grey had long talk with Loeb to-day, which was satisfactory, I think, in starting her quest. Loeb told me afterwards she seemed to be well posted and that he was interested in her story.

S. M. C.—7.46 p.

Mrs. GREY. I want to say simply that the letters that Mr. Leupp has used here are very misleading. I want to show that if he had written to Collier's, to the associate editor, Albert Lee, he would have found that the article on the Crow affair that I mentioned to him when I was here was ordered by wire by Mr. Albert Lee and paid for

by him. As to the Omaha Bee, to which the Secretary sent a telegram for some reason, he would have found that I was on the staff at $50 a week and left it to take up the business for what Mr. Leupp calls "peddling manuscript." I do not know why Mr. Leupp did that.

In spite of all this, I was directed to go ahead and do it; it was to "go ahead and do what you are told." That was all it was. It came from the managing editor of the Record-Herald. Then Sumner Curtis wired back: "Mrs. Grey had long talk with Loeb to-day, which was satisfactory, I think, in starting her quest. Loeb told me afterwards she seemed to be well posted and that he was interested in her story."

That, as I say, was signed by Sumner Curtis, in spite of what Mr. Leupp says. They did not know me. The fact is that they followed me around on every single newspaper that they found I was connected with. It is the most abominable thing I ever heard of. I was on the Omaha Bee at $50 a week, and left the position to take up the work that I was doing, what Mr. Leupp denominates "peddling manuscript."

That is all I care to say.

The committee thereupon adjourned.

CROW INDIAN RESERVATION

APPENDIX TO HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE

APRIL 1 TO 13, 1908, INCLUSIVE

ON THE BILLS

S. 2087, TO INCORPORATE A COMPANY FOR BREEDING HORSES ON THE CROW INDIAN RESERVATION, MONTANA, AND FOR OTHER PURPOSES, AND S. 2963, FOR THE SURVEY AND ALLOTMENT OF INDIAN LANDS NOW EMBRACED WITHIN THE LIMITS OF THE CROW INDIAN RESERVATION, IN THE STATE OF MONTANA, AND THE SALE AND DISPOSAL OF ALL SURPLUS LANDS AFTER ALLOTMENT

Exhibit Grey No. 1.

Indian Rights Association,
709 Provident Building,
Philadelphia, November 16, 1907.

Hon. John Lind,
Minneapolis, Minn.

My Dear Sir: I shall be greatly indebted if you can make a statement to me as to your knowledge of Mrs. Helen Pierce Grey. I am obliged to go into the question of her personal character, not because I have not full confidence in it, for I have, but because that issue has been raised in connection with the effort of the authorities in the Indian Office to have her convicted for alleged violation of law in regard to the Crow Reservation scandal.

I have received strong assurance as to Mrs. Grey's good character from Judge Ben B. Lindsey, Denver, Colo.

Very truly, yours,

Herbert Welsh.

Dear Sir: I have known Mrs. Helen Pierce Grey since she was a child and knew her family intimately. She is of good family and I have never heard her character questioned in any respect. Of course I have not heard much about her in the last ten years, but from my previous knowledge and my rather intimate earlier acquaintance, I do not hesitate to say that I believe her incapable of knowingly committing either an illegal or immoral act.

Very truly, yours,

John Lind,
Late Governor Minnesota.

Hon. Herbert Welsh,
Philadelphia.

Exhibit Grey No. 2.

Crow Indian Reservation, Mont.,
March —, 1908.

To the Indian Rights' Association, Philadelphia.

Dear Sirs: We, the undersigners and members of the Crow tribe of Indians, do hereby pray that you, in our behalf, use your best endeavor to help us in our present plight, unable to withstand what we think to be gross injustice toward us on the part of the Government.

First, to open our reservation without our consent; and second, but none the less as to the application of the proceeds from the above-mentioned reservation in question. The details in regard to the above-mentioned injustice can be best furnished you in most part by referring you to most carefully peruse Senator Joseph Dixon's two bills pertaining to our reservation. We confess that we do not understand for the most part, but what little we do understand leads us to the belief the real meaning has been so obscured by means of carefully planned legal phrases that we Crow Indians can not solve no more than we can solve the square of a circle.

And again we beg to draw your attention to another matter equally important as the above. We Crow Indians went into an agreement with the Government in 1901 whereby we were to receive in payment for the land we relinquished $1,150,000, for

which we have not knowingly received any benefit, and that the original agreement has been so altered that we do not know just how we stand with the Government. Therefore we most earnestly ask you to do what you can do to help us. We trust you are in such a position as to know more about the brief recital than we do ourselves. We are utterly unable to know anything in regard to our affairs with the Government here at this agency. According to Mr. Z. Lewis Dalby's report on this reservation, we find where he mentioned the fact that Maj. J. E. Edwards received an alleged power of attorney from us, through a telegraphic request in March, 1902, which we most emphatically deny that we did as much as have an inkling of.

Our grievances are many, but state just a few of the most important and ask that you do what you can to have an impartial investigation for us.

Thanking you in advance for our plea, we are,

Taken by Joseph Carpenter and Not Mix, Lodgegrass district.—Walks Over Ice, James Blaine, Ben Hillside, Yellow Brow, Shows a Gun, Chester Otter Chief, Ben Spotted Horse, Bad Bear, Joseph Martinez, Yellow Calf, J. W. Cooper, Comes in The Day, Big Sheep, Jack Covers Up, Black Eagle, Pretty Tail, Shows as He Goes, Corner of the Mouth, Hairy Moccasins, Groventre No. 1, Dan Old Bull, Wolf Lays Down, Old Horn, Rides White Hip Horse, Walter Jack Rabbit, James Carpenter, Arthur Peters, Levi Yellow Mule, Barney One Goose, Grand Mother's Knife, Bright Wing, Talking Pipe, Leo Bad Horse, Nad Man, White Woman, He Says, Bird Far Away, Good Luck, Not Mix, Iron Horse, Ed Wolf Lays Down, Red Fox, Packs Hat, One Goose, Cuts Grey Bull, Top of Moccasin, Pretty Pan Top, Grey Bull, Bull Weasel, Not Lost Head, Yellow Crane, Billy Steele, Hunts the Arrow, Flat Head Woman, Dominis Old Elk, Stephan Drift Wood, Whinner, Sticks, Walking Bird, Bad Heart, Three Four Top, Louis Beaine, Walter Jack Rabbit, Walking Bird.

Pryor District.—Turn Back, The Crane, Shows His Lance, Paints Himself Plenty, Strikes Himself on the Head, Foolish Man, Red Star, Strikes Plenty Medicine, Robert Spotted Arm, Yellow Face, Stanley Pretty Coose, Arnold Costo, The Elk, Ghost Bear, Alexander The Crane, Hides, Goes Ahead Pretty, Plain Feather, Ella Jackson, Jim Takes the Gun of One that Kill, Fights Well Known, Big Nose, J. John Push.

Reno District.—William Bends, Otto Rules a Horse, Jack Stewart, Thomas Gardner, Buffalo Bull, Passes Everything, The Calf, The Doors, Stops, Charles Yarlott, Leads the Wolf, Black Bird in Front, Henry Shinbone, John Rides Bear, Prescott Fire Bear, Dexter Williams, David Stewart, Joe Stewart, Percy Black Hair, Little Nest, Takes the Horse, Charges the Strong, Old Bear, Goes Ahead, Bull Tongue, Takes Everything, Blanket Bull, Shaving, Onion, Big Man, Bad Belly, Other Bull, Ned Old Bear, Morris Schaffer, Does Everything, Smart Iron, Flat Boy, Frank Shane, Albert Anderson, Ralph Saco, Horace Long Bear, Other Bull, Ned Old Bear, Thomas Jefferson, Ben Goes to the Other Ground, Hoops on the Forehead, Goods, Plays With Himself, Deer Nose, Shin Bone, Plenty Wing, Takes the Wrinkle, Blanks, Percy Black Hair, Little Nest.

(Copy.)

EXHIBIT GREY NO. 3.

CROW RESERVATION, MONT., *June 3, 1907.*

HELEN PIERCE GREY:

I charge you to pay attention to the following laws of the United States:

Sec. 2111, R. S. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States or to disturb the peace and tranquillity of the United States is liable to a penalty of two thousand dollars.

Sec. 2112, R. S. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Sec. 2113, R. S. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual to war against the United States, or to the violation of any existing treaty, or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States is liable to a penalty of one thousand dollars.

Sec. 2147, R. S. The Superintendent of Indian Affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the Preisdent is authorized to direct the military force to be employed in such removal.

Sec. 2148, R. S. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

Sec. 2149, R. S. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

In the exercise of my authority and the performance of my duty as United States Indian inspector, I arrested you yesterday for attempting to incite Indians to a breach of the peace. I have now conducted you to the boundary of the Crow Reservation, and in the exercise of my authority and the performance of my duty as United States Indian inspector I now forbid you to return to the Crow Reservation. You are now released from arrest.

Z. LEWIS DALBY,
United States Indian Inspector.

EXHIBIT GREY NO. 4.

CROW INDIAN RESERVATION, MONT.,
March —, 1908.

To the INDIAN RIGHTS ASSOCIATION,
Philadelphia.

DEAR SIRS: We, the undersigners and member of the Crow tribe of Indians, do hereby pray that you in our behalf use your best endeavor to help us in our present plight, unable to withstand what we think to be gross injustice toward us on the part of the Government, first, to open our reservation without our consent, and second, but none the less, as to the application of the proceeds from the above-mentioned reservation in question. The detail in regards to the above mention injustice can be best furnish you in most part by referring you to most carefully peruse Senator Jos. Dixon two bills pertaining to our reservation. We confess that we do not understand for the most part, but what little we do understand leads us to the belief the real meaning has been so obscured by mean of careful planned legal phases for which we Crow Indian can not solve, no more than we are to solve the square of a circle. And again we beg to draw your attention to another matter equally important as the above. We Crow Indian went into an agreement with the Government in 1901 whereby we were to receive in payment for the land we relinquished for $1,150,000, for which we have not knowingly received any benefit, and that the original agree-

which we have not knowingly received any benefit, and that the original agreement has been so altered that we do not know just how we stand with the Government. Therefore we most earnestly ask you to do what you can do to help us. We trust you are in such a position as to know more about the brief recital than we do ourselves. We are utterly unable to know anything in regard to our affairs with the Government here at this agency. According to Mr. Z. Lewis Dalby's report on this reservation, we find where he mentioned the fact that Maj. J. E. Edwards received an alleged power of attorney from us, through a telegraphic request in March, 1902, which we most emphatically deny that we did as much as have an inkling of.

Our grievances are many, but state just a few of the most important and ask that you do what you can to have an impartial investigation for us.

Thanking you in advance for our plea, we are,

Taken by Joseph Carpenter and Not Mix, Lodgegrass district.—Walks Over Ice, James Blaine, Ben Hillside, Yellow Brow, Shows a Gun, Chester Otter Chief, Ben Spotted Horse, Bad Bear, Joseph Martinez, Yellow Calf, J. W. Cooper, Comes in The Day, Big Sheep, Jack Covers Up, Black Eagle, Pretty Tail, Shows as He Goes, Corner of the Mouth, Hairy Moccasins, Groventre No. 1, Dan Old Bull, Wolf Lays Down, Old Horn, Rides White Hip Horse, Walter Jack Rabbit, James Carpenter, Arthur Peters, Levi Yellow Mule, Barney One Goose, Grand Mother's Knife, Bright Wing, Talking Pipe, Leo Bad Horse, Nad Man, White Woman, He Says, Bird Far Away, Good Luck, Not Mix, Iron Horse, Ed Wolf Lays Down, Red Fox, Packs Hat, One Goose, Cuts Grey Bull, Top of Moccasin, Pretty Pan Top, Grey Bull, Bull Weasel, Not Lost Head, Yellow Crane, Billy Steele, Hunts the Arrow, Flat Head Woman, Dominis Old Elk, Stephan Drift Wood, Whinner, Sticks, Walking Bird, Bad Heart, Three Four Top, Louis Beaine, Walter Jack Rabbit, Walking Bird.

Pryor District.—Turn Back, The Crane, Shows His Lance, Paints Himself Plenty, Strikes Himself on the Head, Foolish Man, Red Star, Strikes Plenty Medicine, Robert Spotted Arm, Yellow Face, Stanley Pretty Coose, Arnold Costo, The Elk, Ghost Bear, Alexander The Crane, Hides, Goes Ahead Pretty, Plain Feather, Ella Jackson, Jim Takes the Gun of One that Kill, Fights Well Known, Big Nose, J. John Push.

Reno District.—William Bends, Otto Rules a Horse, Jack Stewart, Thomas Gardner, Buffalo Bull, Passes Everything, The Calf, The Doors, Stops, Charles Yarlott, Leads the Wolf, Black Bird in Front, Henry Shinbone, John Rides Bear, Prescott Fire Bear, Dexter Williams, David Stewart, Joe Stewart, Percy Black Hair, Little Nest, Takes the Horse, Charges the Strong, Old Bear, Goes Ahead, Bull Tongue, Takes Everything, Blanket Bull, Shaving, Onion, Big Man, Bad Belly, Other Bull, Ned Old Bear, Morris Schaffer, Does Everything, Smart Iron, Flat Boy, Frank Shane, Albert Anderson, Ralph Saco, Horace Long Bear, Other Bull, Ned Old Bear, Thomas Jefferson, Ben Goes to the Other Ground, Hoops on the Forehead, Goods, Plays With Himself, Deer Nose, Shin Bone, Plenty Wing, Takes the Wrinkle, Blanks, Percy Black Hair, Little Nest.

(Copy.)

EXHIBIT GREY NO. 3.

CROW RESERVATION, MONT., *June 3, 1907.*

HELEN PIERCE GREY:

I charge you to pay attention to the following laws of the United States:

Sec. 2111, R. S. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States or to disturb the peace and tranquillity of the United States is liable to a penalty of two thousand dollars.

Sec. 2112, R. S. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

Sec. 2113, R. S. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual to war against the United States, or to the violation of any existing treaty, or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States is liable to a penalty of one thousand dollars.

Sec. 2147, R. S. The Superintendent of Indian Affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the Preisdent is authorized to direct the military force to be employed in such removal.

Sec. 2148, R. S. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

Sec. 2149, R. S. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

In the exercise of my authority and the performance of my duty as United States Indian inspector, I arrested you yesterday for attempting to incite Indians to a breach of the peace. I have now conducted you to the boundary of the Crow Reservation, and in the exercise of my authority and the performance of my duty as United States Indian inspector I now forbid you to return to the Crow Reservation. You are now released from arrest.

Z. LEWIS DALBY,
United States Indian Inspector.

EXHIBIT GREY NO. 4.

CROW INDIAN RESERVATION, MONT.,
March —, 1908.

To the INDIAN RIGHTS ASSOCIATION,
Philadelphia.

DEAR SIRS: We, the undersigners and member of the Crow tribe of Indians, do hereby pray that you in our behalf use your best endeavor to help us in our present plight, unable to withstand what we think to be gross injustice toward us on the part of the Government, first, to open our reservation without our consent, and second, but none the less, as to the application of the proceeds from the above-mentioned reservation in question. The detail in regards to the above mention injustice can be best furnish you in most part by referring you to most carefully peruse Senator Jos. Dixon two bills pertaining to our reservation. We confess that we do not understand for the most part, but what little we do understand leads us to the belief the real meaning has been so obscured by mean of careful planned legal phases for which we Crow Indian can not solve. no more than we are to solve the square of a circle. And again we beg to draw your attention to another matter equally important as the above. We Crow Indian went into an agreement with the Government in 1901 whereby we were to receive in payment for the land we relinquished for $1,150,000, for which we have not knowingly received any benefit, and that the original agree-

ment have been so altered so that we do not know just how we stand with the Government. Therefore, we most earnestly ask you to do what you can do to help us. We trust you are in such a position as to know more about the brief recital than we do ourself. We are utterly unable to know anything in regards to our affair with the Government here at this agency. According to Mr. Z. Lewis Dalby report on this reservation, we find where he mention the fact that Maj. J. E. Edwards received alleged a power of att'y from us though a telegraphic request in March, 1902, for which we most emphatically deny what we did not as much as had an inkling of. Our grievances are many, but state just a few of the most important and ask that you do what you can to have an impartial investigation for. Thanking you in advance for our plea,

We are,

Walks Over Ice, James Blaine, Walter Jack Rabbit, Ben Hillside, James Carpenter, Arthur Peters, Levi Yellow Mule, Barney One Goose, Joseph Martinez, J. W. Cooper, Leo Bad Horse, Big Sheep, White Woman, Jack Covers Up, He Says, Bird Far Away, Shows As He Goes, Corner of the Mouth, Hairy Moccasins, Grovenbie No. 1, Dan Old Bull, Wolf Lays Down, Cuts Grey Bull, Top of Moccasin, Pretty on Top, Old Horn, Rides White Hip Horse, Yellow Brow, Shows a Gun, Chester Otter Chief, Ben Spotted Horse, Bad Bear, Bright Wing, Comes in the Day, Black Eagle, Pretty Tail, Not Mix, Iron Horse, Red Fox, Packs Hat, One Goose, Domminis Old Elk, Stephan Drift Wood, Whinner, Grey Bull, Grand Mother's Knife, Yellow Tail, Talking Pipe, Bad Man, Good Luck, Ed Wolfe Lays Down, Sticks, Bull Quarrel, Walking Bird, Flat Head Head, Bad Heart, Yellow Crane, Three For Top, Billy Steele, Louis Blaine, Hunts the Arrow, Yellow Crane, Bad Heart, Wallie Jack Rabbit, Flat Head Women, Walking Bird.

Pryor district: Turns Back, The Elk, The Crane, Ghost Bear, Shows His Lance, Alexander the Crane, Paints Himself Plenty, Hides, Strikes Himself on Head, Goes Ahead Pretty, Foolish Man, Plain Feather, Red Star, Ella Jackson, Strikes Plenty Medicine, Jim Takes the Gun of One that Kills, Robert Spotted Arm, Fights Well Known, Yellow Face, Big Nose, Stanley Pretty Coose, J. John Push, Arnold Coslet,

Reno district (their x marks): William Bends, Otto Rules a Horse, Jack Stewart, Thomas Gardner, Charles Yarlott, Morris Schaffer, Henry Shinbone, John Rides Bear, Prescott Fire Bear, Frank Shane, Dexter Williams, Albert Anderson, David Stewart, Ralph Saco, Joe Stewart, Horace Long Bear, Percy Black Hair, Other Bull, Little Nest, Ned Old Bear, Passes Everything, The Calf, The Doves, Stops, Buffalo Bull, Leads the Wolf, Black Bird in Front, Does Everything, Smart Iron, Flat Boy, Takes the Horse, Thomas Jefferson, Charges the Strong, Bear Goes to the Other Ground, Old Bear, Hoops on the Forehead, Goes Ahead, Goods, Bull Tongue, Play With Himself, Talks Everything, Deer Nose, Blanket Bull, Shin Bone, Shaving, Plenty Wing, Onion, Takes the Wrinkle, Big Man, Blanks, Bad Belly, Percy Black Hair, Other Bull, Little Nest, Ned Old Bear.

EXHIBIT GREY NO. 5

CHICAGO, BURLINGTON AND QUINCY RAILWAY COMPANY,
Omaha, October 17, 1906.

Mr. C. F. ROBERTSON, *Mayor of Worland, Worland, Wyo.*

DEAR SIR: I take pleasure in introducing to you Mrs. H. P. Grey, who is going to the Big Horn country for the purpose of writing some articles descriptive of that section. Any assistance you can extend to her will be very much appreciated by the undersigned.

Yours, truly, J. E. BUCKINGHAM.

(MRS. GREY: Many other letters of introduction were stolen when I was arrested by Mr. Dalby the first time, he sending Upshaw to go through my trunk.)

EXHIBIT GREY NO. 6.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., September 30, 1905.

MRS. THOMAS KENT, *Greycliff, Mont.*

MADAM: I herewith inclose you check No. 2289 on Yellowstone National Bank, Billings, Mont., by H. C. Lobdell, for $14. This amount was the proceeds of a horse sold in Big Horn district several months ago bearing your brand. Kindly acknowledge the receipt of this check.

Yours, respectfully,

S. G. REYNOLDS,
United States Indian Agent

EXHIBIT D, GREY NO. 7.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., August 14, 1906.

DON HARDY,
Parkman, Wyo.

DEAR SIR: The letter you wrote the honorable Commissioner of Indian Affairs has been sent to me. I don't know exactly what you wish or what idea you wish to convey. There has never been any steps taken on the part of this office to dispose of the lands your son is heir to. I don't think they can be sold while he is a minor without your consent.

There will be no objections whatever to your occupying the lands that belonged to your deceased wife so long as you attend strictly to your own business and are in no way detrimental to the interests of the reservation. I have so notified the Department.

Very respectfully,

S. G. REYNOLDS, *Indian Agent.*

Mr. Reynolds told Hardy he could put him off whenever he liked.

EXHIBIT GREY NO. 8.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., May 25, 1907.

MRS. HELEN P. GREY,
Lodge Grass, Mont.

DEAR MADAM: I inclose herewith a copy of the advertisement of inherited Indian lands, in accordance with your request.

In this connection I wish to reiterate what I have said to you, that it is my desire and intention in carrying out my instructions from the Secretary of the Interior to afford you every opportunity to present evidence in support of the charges you have made. To this end I have granted your request for permission to visit Lodge Grass for the purpose of necessary consultation with the Indians, at the same time impressing upon you the unwisdom of any congregation of them unnecessarily or in large numbers and trusting to you to prevent this as far as possible. I trust you will have your witnesses ready as soon as possible. Please communicate with me as soon as you are ready to bring forward evidence.

Very truly, yours,

Z. LEWIS DALBY,
Indian Inspector.

EXHIBIT GREY NO. 9.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

Matthew K. Sniffen, being duly sworn according to law, says that he is a resident of the city of Philadelphia, State of Pennsylvania, and is now, and has been for several years past secretary of the Indian Rights Association, and a member of the executive committee of said association; that he, with four other members of the execu-

tive committee of the said association was present at a hearing had on October 30, 1907, before the Secretary of the Interior, Hon. James Rudolph Garfield, at Washington, D. C., in which the matter concerning the conduct of affairs on the Crow Indian Reservation, Mont., was considered, and a further investigation of affairs at that agency was urged by the said committee of the Indian Rights Association; that during this hearing the said James Rudolph Garfield, Secretary of the Interior, in speaking of Mrs. Helen Pierce Grey (who has been investigating, on her own account, affairs at the Crow Indian Agency, Mont.), referred to the said Helen Pierce Grey as an adventuress.

MATTHEW K. SNIFFEN.

Sworn and subscribed to before me this 6th day of December, A. D. 1907.

[SEAL.] EDW. RAMSEY, *Notary Public.*

Commission expires February 26, 1909.

EXHIBIT GREY No. 10.

THE BILLINGS ENQUIRER,
Billings, Mont., December 5, 1907.

MRS. HELEN PIERCE GREY, *Helena, Mont.*

MY DEAR MRS. GREY: George Pease, who is going to your trial, called by the opposition, said he would rather give $500 than appear against you. He is rapidly falling to pieces, almost persuaded to come out for the truth. Your lawyers can do much with him knowing this fact. That is all I can write.

Yours, truly,

THEO. L. STANTON.

Tear this off: Think he has been on a big booze and is nearing collapse and is easily picked.

T. L. S.

(MRS. GREY: This paper ran a series of letters on the reservation by me till it was bought. I have the file.)

EXHIBIT GREY No. 11.

SHERIDAN, WYO., *November 26, 1907.*

MR. HERBERT WELSH,
Philadelphia, Pa.

DEAR SIR: I have received your favor requesting me to make a statement as to my knowledge of Mrs. Helen Pierce Grey.

In reply wish to say that I have not known Mrs. Grey for a great while. I first became acquainted with her here at the Sheridan Inn, and afterwards met her at the land convention held in Denver last spring, and on that occasion traveled with her in the same car from Denver to Sheridan. During this trip she told me something of her work and plans, and my familiarity with the conditions prevailing on the reservation made her subject one of more than ordinary interest to me.

During the acquaintance that I enjoyed with Mrs. Grey I can say frankly that I never saw the least thing in her deportment as a lady to criticise, and from what she told me of her work I remember feeling convinced at the time that she was genuinely in earnest in her efforts to better the condition of the Crow Indians.

This town is closely tributary to the Indian reservation, and the administration of that reservation is a matter quite frequently discussed by the people in this community. All the information that I have concerning conditions there has led me to believe that there have undoubtedly been irregularities in the administration of the Indian reservation. As you undoubtedly understand, any effort made to correct abuses, especially on the part of those not safely intrenched, would be met by a most stubborn resistance on the part of those enjoying the benefits accruing from such irregularities.

As I understand it, Mrs. Grey took up this fight single handed and alone, and it looked at one time, as near as I can judge, as though she were to be successful in securing a thorough investigation on the part of the Government. I have since learned, however, that the investigation was turned into the merest farce, which resulted in her enemies being able to have Mrs. Grey removed from the reservation,

charged with all kinds of misconduct. Without knowing very much about the merits of the case one way or another, except what I have from hearsay, I give it to you as my opinion that Mrs. Grey's efforts have been made honestly in behalf of the Indian as against men who were enjoying privileges on the reservation for which they were not paying. It is also my opinion that in order to get rid of Mrs. Grey these men have chosen, among other ways, to attack her good name.

To sum up, the acquaintance I have made with Mrs. Grey leads me to believe that she is a lady. The reputation that the men have who were fighting her would incline me to the belief that they would not hesitate to employ any means that would enable them to get quit of her on the reservation and stop an investigation on the part of the Government.

I regret very much that I can not give you more definite facts, but am compelled, on the other hand, to simply express the opinion of a citizen living in close proximity to the reservation.

Yours, very truly, J. B. KENDRICK.

EXHIBIT GREY, No. 12.

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, April 24, 1907.

Mrs. HELEN PIERCE GREY,
192 Dearborn Avenue, Chicago, Ill.

MY DEAR MADAM: Secretary Garfield turned over to me your note to him of April 20, and asked me to write you whatever I considered best under the circumstances.

I do not know what you refer to as the reaction of the Indians' charges upon themselves in the "customary manner." The only reaction of which I have any knowledge is in the case of an Indian who makes false statements; and my practice with him is to always make him feel the unwisdom of that line of conduct as sharply as I try to make the white man appreciate the consequences of the same course on his part.

As to your visiting the religious dances, I have no objection to your doing so, and will inclose a note for you if you consider that that is necessary. Of course, no one in Washington—I, or the Secretary, or even the President—would give you any permit to go upon a reservation to make trouble. We expect you to conform to the usual rules in such matters, which your own sense of courtesy and good conduct would naturally prompt you to follow.

I do feel constrained, in connection with all that has passed here, to call your attention to the fact that I have given you every facility for digging down to the bottom of all the records in the possession of the Indian Office—not, as I explained to you at the outset, for newspaper purposes, but for the purpose of discovering, and helping us to discover, whether there is anything wrong in the administration of affairs at the Crow Agency. I assumed at the outset that you understood the limitations in that regard, as no one here would have given you the opportunities that were afforded you on any other consideration. The investigation will be undertaken as promptly as the gentleman chosen by the Secretary can get away and begin it. In pursuance of my particular wish, the Secretary's choice is made of a man over whom I have no control, with whom I have never had more than an hour's conversation, possibly, in my life, and whom I did not know even by sight until the latter part of last week. Wherever a matter of this kind has come up and the accuser has shown, as you showed at the outset of your interview with me, that he feels the slightest doubt of the fairness of the Indian Office, it has always been my wish that whoever makes the investigation should be some one so completely out of my "sphere of influence" that he will judge my share of the administration quite as impartially as he does that of any of my subordinates.

Sincerely, yours,

F. E. LEUPP,
Commissioner.

EXHIBIT GREY No. 13.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 7, 1907.

DEAR MADAM: I have by reference your letter to the President relative to the investigation of the Crow Indian Reservation. I have not postponed the sale for the

reason that it is very much better to let it proceed because thereafter we can more readily determine the regularity of the proceedings. No harm can come should it be shown that there was anything improper in this sale, as I, as Secretary of the Interior, have power to disapprove on any ground.

Mr. Dalby starts West very shortly and I trust that you will not make use of any of the material you have for the purpose of an article until this investigation has been completed.

Very truly, yours,

JAMES RUDOLPH GARFIELD,
Secretary.

Mrs. HELEN GREY,
192 Dearborn avenue, Chicago, Ill.

EXHIBIT GREY NO. 14.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., October 29, 1906.

Mr. JOHN FROST, *Grey Cliff, Mont.*

DEAR SIR: I am in receipt of a communication from the Department in which they inclose a petition that you made to them for a patent to your land. They have referred the matter to me for an explanation and what you wish in the matter.

There was a law recently passed that allows an Indian, upon statement made by their agent and certain notices posted in a conspicuous place subject to the inspection of the public in general setting forth that the Indian is a competent person, to manage his own affairs without the aid or assistance from anybody, and such a petition goes to the Department at Washington. They will grant the Indian a title in fee simple to his land, and after receiving same it is no longer under any restriction regarding the handling and disposing of same.

Mr. Miller is under the impression that you are asking for a trust deed, which is the same as all the Indians are receiving from time to time as fast as the allotment schedules are checked up and arranged in Washington. Will you please inform me just what you wish in the matter.

This land was allotted by act of 1882—Dans patent due.

Very respectfully,

S. G. REYNOLDS,
United States Indian Agent.

EXHIBIT GREY NO. 15.

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, April 24, 1907.

To whom it may concern:

The bearer, Mrs. Helen Pierce Grey, has asked permission to visit the Crow Reservation in Montana, for the purpose of attending some ceremonial dances of the Indians, and it is my wish that she be accorded by the authorities of the reservation every proper courtesy in the premises.

F. E. LEUPP, *Commissioner.*

EXHIBIT GREY NO. 16.

BILLINGS, MONT., *December 18, 1907.*

C. L. MILLIKEN, Esq.,
Greycliff, Mont.

DEAR SIR: Herewith find $5. Maybe later I can send you $5 more. Wishing you a merry Christmas, I remain,

Yours, truly,

THOMAS ROSS.

This map shows the a demonstration of why more homesteaders

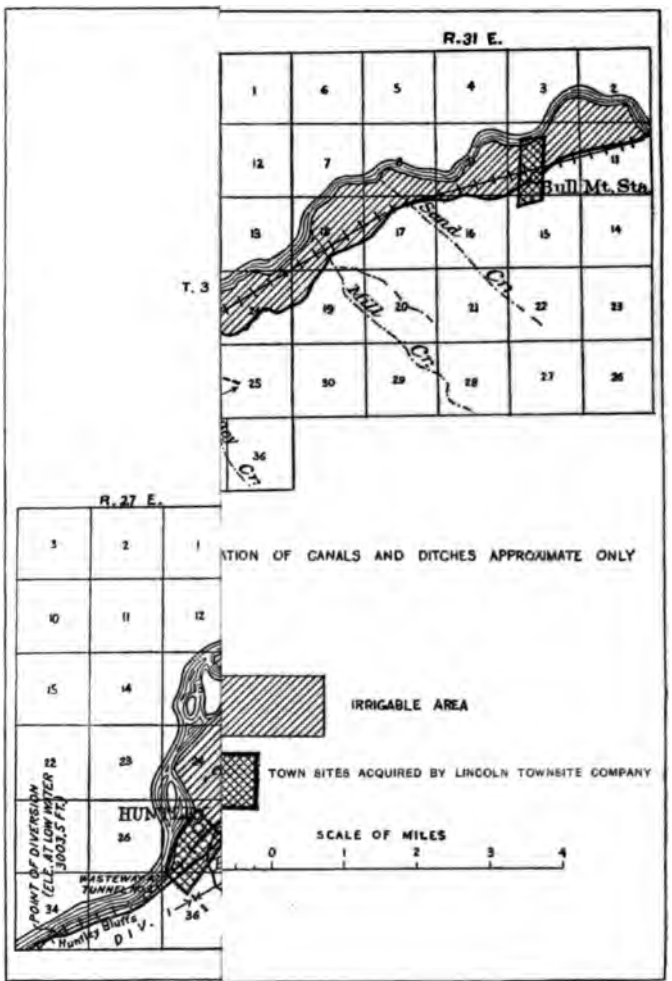

EXHIBIT GREY NO. 18.

CHICAGO RECORD-HERALD, *November 13, 1907.*

Mr. HERBERT WALSH,
Indian Rights' Association, Philadelphia, Pa.

DEAR SIR: I understand you are seeking information regarding the character and standing of Mrs. Helen Grey, now in controversy with the Government authorities at Helena, Mont. I have known Mrs. Grey as a newspaper and magazine writer for some years, and to my knowledge she has borne a reputation unshadowed by an untoward word. She impressed me always as upright and earnest, with an ethical interest in the work she undertook beyond the mere livelihood in it.

When she became interested in Indian affairs she told me her story, and my superior was interested to the point of having her represent us. The "story" as it developed did not warrant our publication.

I am writing this in a personal way to give my testimony to the character and standing of a worthy woman.

Sincerely,

H. L. REIWITCH, *Night Editor.*

EXHIBIT GREY NO. 19.

CHICAGO DAILY JOURNAL, *November 18, 1907.*

Mr. HERBERT WALSH,
Corresponding Secretary Indian Rights' Association,
709 Provident Building, Philadelphia, Pa.

MY DEAR SIR: I am very glad to say that the personal character of Mrs. Helen Pierce Grey, as far as I have known her, is of the highest order. Mrs. Grey has done a good deal of work for the Journal at different times and has always commanded our fullest confidence. She has been engaged in newspaper work for a number of years, and I have yet to learn of the slightest reflection upon her personal character. Her associates in Chicago, including many prominent Catholics, were beyond criticism.

The efforts of the authorities in lending themselves to have her convicted for alleged violation of law in regard to the Crow Reservation scandal are quite new to me, and if you have the time I would be glad to learn more of the facts.

Yours, very truly,

MARTIN J. HUTCHENS, *Managing Editor.*

EXHIBIT GREY NO. 20.

PARKMAN, WYO.,
November 26, 1907.

Mr. HERBERT WELSH,
Philadelphia, Pa.

DEAR SIR: On account of my absence from home yours of the 13th was but recently received. My acquaintance with Mrs. Helen Grey has not been broad enough for me to make a character study out of it, and any statements I have heard detrimental to her character are yet unproved and consequently not charged against her. As far as my own acquaintance and observation serves me, I can state that I have not detected in any word or act anything that I could construe as unladylike.

Yours, very truly,

E. L. DANA.

EXHIBIT GREY NO. 21.

THE WORLD TO-DAY,
Chicago, November 18, 1907.

Mr. HERBERT WELSH,
Philadelphia, Pa.

MY DEAR SIR: Mrs. Helen Pierce Grey has done considerable work for me on the World To-Day. I don't know her except in that capacity. I have, however, learned something of her life and should be perfectly ready to vouch for her high moral character. I know nothing about her relations with the Crow Reservation.

Yours, very truly,

SHAILER MATHEWS.

EXHIBIT GREY NO. 22.

DAVIS, KELLOGG & SEVERANCE,
MERCHANTS' NATIONAL BANK BUILDING,
St. Paul, Minn., November 18, 1907.

Mr. HERBERT WELSH,
709 Provident Building, Philadelphia, Pa.

DEAR SIR: I am very much surprised at your letter of the 16th instant concerning Mrs. Helen Pierce Grey.

I have not seen much of anything of her for a number of years, but have been acquainted with her all of my life, and it is the first time I have ever heard her personal character questioned in any way. I have always esteemed her as a very clever, interesting, and high-minded woman.

I shall be very glad if you will write me again and tell me what it is she is accused of.

Yours, truly,

C. A. SEVERANCE.

EXHIBIT GREY NO. 23.

CONTINENTAL BUILDING,
Denver, Colo., November 21, 1907.

Mr. HERBERT WELSH,
709 Provident Building, Philadelphia, Pa.

DEAR SIR: Referring to your request of the 16th instant for a statement concerning Mrs. Helen Pierce Grey, will say that I have known Mrs. Grey for several years; that I became acquainted with her through my wife, who knew her as a girl. I have always found Mrs. Grey to be above reproach in every phase of her life that I have observed and have noted especially that she was interested in the cause of the oppressed and downtrodden. Owing to her sense of duty, she has sometimes placed herself in positions where she might be criticised in her effort to help those who might be generally considered outcasts.

Mrs. Grey called at my house in Denver shortly before she was arrested on account of this Indian trouble and told me very fully of her work and of the outrageous frauds which she had learned had been perpetrated upon the Indians. She was intensely in earnest and was imbued thoroughly with the idea that it was her duty to expose these frauds, even though it meant personal loss and even imprisonment for her.

I tried to dissuade her from attempting so great a task, but she was firm in her purpose and returned to the Indian agency, where she was arrested.

If the Indian Department is now attempting to befog the issue by questioning her personal character, I feel confident that not only is there no ground for so doing but that it is a cheap subterfuge and trick upon the part of some of the officers and agents interested in the fraud and graft perpetrated upon the Indians and now used in an attempt to prevent a thorough and impartial investigation, which should be made. The true question is not as to whether the person charging these corrupt practices and frauds is a person of good character, but do these frauds and corrupt practices against the Indians exist in the service.

It seems to me that the attempt of the Department to evade the true issue by grasping at a simply collateral matter is not only a confession of guilt but a confession of knowledge of guilt upon the part of the Government.

Yours, very truly,

JOHN A. RUSH.

EXHIBIT GREY NO. 24.

HANGING WOMAN RANGE,
Sheridan, Wyo., November 26, 1907.

Mr. HERBERT WELSH, *Philadelphia, Pa.*

DEAR SIR: I have received your favor requesting me to make a statement as to my knowledge of Mrs. Helen Pierce Grey.

In reply wish to say that I have not known Mrs. Grey for a great while. I first became acquainted with her here at the Sheridan Inn, and afterwards met her at the land convention held in Denver last spring, and on that occasion traveled with her in the same car from Denver to Sheridan. During this trip she told me something of her work and plans, and my familiarity with the conditions prevailing on the reservation made her subject one of more than ordinary interest to me.

During the acquaintance that I enjoyed with Mrs. Grey I can say frankly that I never saw the least thing in her deportment as a lady to criticise, and from what she told me of her work I remember feeling convinced at the time that she was genuinely in earnest in her efforts to better the conditions of the Crow Indians.

This town is closely tributary to the Indian reservation, and the administration of that reservation is a matter quite frequently discussed by the people in this community. All the information that I have concerning conditions there has led me to believe that there have undoubtedly been irregularities in the administration of the Indian reservation. As you undoubtedly understand, any effort made to correct abuses, especially on the part of those not safely intrenched would be met by a most stubborn resistance on the part of those enjoying the benefits accruing from such irregularities.

As I understand it, Mrs. Grey took up this fight single handed and alone, and it looked at one time, as near as I can judge, as though she were to be successful in securing a thorough investigation on the part of the Government. I have since learned, however, that the investigation was turned into the merest farce, which resulted in her enemies being able to have Mrs. Grey removed from the reservation charged with all kinds of misconduct. Without knowing very much about the merits of the case one way or the other except what I have from hearsay, I give it to you as my opinion that Mrs. Grey's efforts have been made honestly in behalf of the Indians as against men who were enjoying privileges on the reservation for which they were not paying. It is also my opinion that in order to get rid of Mrs. Grey these men have chosen, among other ways, to attack her good name.

To sum up, the little acquaintance I have made with Mrs. Grey leads me to believe that she is a lady. The reputation that the men have who were fighting her would incline me to the belief that they would not hesitate to employ any means that would enable them to get quit of her on the reservation and stop an investigation on the part of the Government.

I regret very much that I can not give you more definite facts, but am compelled, on the other hand, to simply express the opinion of a citizen living in close proximity to the reservation.

Yours, very truly, J. B. KENDRICK.

TRI-STATE LAND COMPANY,
Scottsbluff, Nebr., December 7, 1907.

Mr. HERBERT WELSH,
Secretary Indian Rights' Association, Philadelphia, Pa.

DEAR SIR: Please pardon this tardy reply to your favor of November 16, as, in the confusion of moving my office from Omaha here, it was overlooked.

Replying to your inquiry, I have known Mrs. Helen Pierce Grey for the past three years, and of her people for a much longer time, in fact, her father, years ago, was chief engineer of a large enterprise of which my grandfather, Mr. David Leavitt, was president. Mrs. Grey's son worked for two seasons in the engineering force of my company here, and during this time I had opportunity to become acquainted better with her. As to her personal character, I believe it to be straightforward and correct in all particulars, and of her integrity I have not the slightest doubt. She is much interested in her journalistic work, impetuous in disposition, and apt to be overzealous in her mode of attacking abuses, real or imaginary, that she discovers in her work. I should add that I have not had the opportunity which Judge Lindsey has had to become intimately acquainted with her character, but believe my impressions as stated above are correct, and shall be pleased to learn from you the outcome of the present ordeal through which Mrs. Grey is passing.

Very truly, yours, HEYWARD G. LEAVITT.

EXHIBIT GREY NO. 25.

[Telegram.]

CROW AGENCY, MONT., *February 11, 1908.*

J. W. COOPER: Yes; holding council to-day and to-night.

DAVE STEWART.

EXHIBIT GREY NO. 27.

[Telegram.]

CROW AGENCY, MONT., February 18, 1908.

TALKING PIPE, *Lodgegrass, Mont.:*

Council to-day. Have Knows His Coose, Packs The Hat, Bear Claw, Bright Wing, and Dont Mix. Come at once.

JOSEPH MARTINEZ.

EXHIBIT GREY NO. 28.

BILLINGS, MONT., *November 7, 1907.*

We, the undersigned, citizens of the United States, do most solemnly swear that we were both present at the convocation of the Crow Indian Lodge at Lodgegrass, Mont., convened for the purpose of meeting with Z. Lewis Dalby, Government inspector; that at this meeting Z. Lewis Dalby used the following language after Joe W. Cooper had said that he did not know how many of Heinrich's cattle had been on Soap Creek during 1906: "You are a liar, God damn you." Thereupon the said Joe W. Cooper replied: "I took you for a gentleman, sir." And the said Z. Lewis Dalby replied: "God damn you, don't you lie to me. Get out of this tent." The said Cooper then arose, left the tent, and the rest of the Indians followed him.

J. W. COOPER.
FRED GEISDORFF.

Subscribed and sworn to before me this 7th day of November, A. D. 1907.

[SEAL.] L. R. ABBOTT,
Notary Public in and for Yellowstone County, Mont.

(Commission expires May 21, 1909.)

EXHIBIT GREY NO. 29.

I, the undersigned, a member of the Crow Indian tribe, do solemnly swear that the following language was used at Lodgegrass at a hearing of the Indians with Inspector Z. Lewis Dalby. When Joe Cooper told Z. Lewis Dalby that he could not say how many of Heinrich's cattle had been on his place, the said Z. Lewis Dalby at once replied: "God damn you, you are lying to me." The said Cooper then replied: "Mr. Dalby, I took you for a gentleman. I don't believe I can talk to you." The said Z. Lewis Dalby at once replied: "God damn you, get out of this tent."

Cooper at once started out and the rest of the Indians followed him. The said Z. Lewis Dalby then cried out: "What, what does this mean, boys? Let us have an understanding before anything goes further."

The Indians then came back and listened to what he had to say, but never gave him their confidence again. They had no faith in him after.

The said Z. Lewis Dalby also said to the Indians in his conversation with them: "This investigation will go on whether you talk to me or not."

JOSEPH M. MARTINEZ.

Subscribed and sworn to before me, a notary public in and for Yellowstone County, Mont., on this 3d day of December, 1907.

[SEAL.] W. P. RIXON,
Notary Public in and for Yellowstone County, Mont.

(My commission expires 1909.)

EXHIBIT GREY NO. 30.

OCTOBER, 8, 1907.

MRS. HELEN GREY,
Post-Office Box 543, Helena, Mont.

MY DEAR MRS. GREY: Your letter, care of Doctor James, is just received this minute, since the doctor brought it over in person, as he brought me yesterday a letter from your attorneys, addressed in his care, and which I promptly answered. I certainly never received any letter, or heard of any letter, in which you asked me to go your bail. One letter came here while I was lecturing in the middle West in August,

and I am told it was forwarded to me; but much of my mail missed me, and some of it was reforwarded and some not. I was on the jump constantly, speaking every day, and my mail in other respects has been sadly demoralized. It was my first experience of this kind, and we have not got on to the right system apparently, so that with the exception of that letter your letter to-day is the first word I have had. I heard after I returned that you were in some trouble in Montana, but I did not know how serious it was or where you were.

I answered your attorneys and told them to show you my letter. I told them that you had been in newspaper work here, where I had met you, as I met many men and women engaged in that business; but that I had known you very well personally, and always found you upright and honorable in every way, but disposed to be very independent, and, so far as I ever knew, fearless in your newspaper work in going after what you thought was evil that ought to be attacked; and for your conduct in this respect here, where I am familiar with the facts, I always had the highest opinion of you, for I like courage wherever shown. You may rest assured that any good word I can say in your behalf I shall gladly say it, but you know the strength of my statement is necessarily limited by my acquaintance with you here in Denver, and that convinced me and all who knew you of your integrity and upright life. My friend, Senator John Rush, at whose house I met you once where you had called socially, spoke to me of you in the kindest way, and I understood that his acquaintance with you was of long standing. Perhaps he would also write a letter in your behalf, and he is situated different from myself, since he is a man of large means and much property, I am told, and could certainly sign a bond. I have absolutely no property of any kind, except my interest in my home, which is in such shape that I can not justify on a bond. The laws require certain real property, as I understand it, and I have not such property to permit any justification. I have always refused to sign notes and obligations for my very best friends, not that I meant any offense, but it has been contrary to my principles for the past few years; but in the case of a bond I do not feel legally competent to sign it. In any event, I am inclined to think that your attorneys, Walsh & Nolan, would have no difficulty in getting you a bond, and you certainly must have some friends who have real estate who could justify a bond of this kind. Surely the fact that you have visited my house, visited my mother and been entertained there, should be sufficient evidence that my knowledge of you and your life has been nothing but the best character, as is the case with all those here in Denver who know you, so far as I ever heard. I always found that the newspapers who employed you seemed to have a high regard for you, and your standing in this respect, it would seem to me, would enable your attorneys to get so small a bond in Helena, where I also understand the party who goes on a bond must justify to owning real estate; at least that is the law here, since a nonresident in our courts here in the county building, and especially a man without real estate, could not qualify on a bond. I sincerely hope that when your attorneys receive my letter and when you receive this letter that they will be able to get a bond for you. They certainly would run no risks in signing your bond. You have been in the newspaper work ever since you left Denver, and are so well known among newspaper people, your future, your standing, and everything ought to convince anyone who is able to qualify on a bond that they run no risk whatever in rendering such a service to a woman in trouble.

Of course a man in a public position like myself and without real estate and of really no financial worth is in a very embarrassing position, more than that of the average citizen. If I were the ordinary business man, not in a public office, and of some financial wealth, I should not hesitate to sign your bond, and I should think my word in this respect would be of some assistance to your attorneys, but this seems about all I can do, and that I cheerfully do.

Of course, I know absolutely nothing of your difficulties, but your work here so convinced me of your sincerity and your desire to be of service in the world that I certainly believe you will come out triumphantly, and whatever misdoings that may be charged against you will be found either not to have been done at all, or, if technically in violation of the law, certainly without any intention to do any wrong or evil, and I sincerely hope that your troubles will soon be over.

Sincerely, yours, BEN B. LINDSEY.

EXHIBIT GREY, No. 31.

LODGEGRASS, MONT., *April 3, 1908.*

MY DEAR HELEN GREY: I got your letter some time ago, but I could not answer right away, because I can not mail it in the post-office. Reynolds has give an order to the Indians not to write to you, so I come to Lodgegrass to answer your letter, and

I can mail it myself on train. We send 160 signatures to Mr. Sniffen about three weeks ago. I suppose he got it by this time. Joe Cooper is on road to Washington, D. C. He start it two days ago. You must look out for him.

I can't go now; they watch me close, it's a fact; not because I am afraid to go. But if you called for me I will go. But now it's no away that I can get out. You must tried to get the Congressional investigation into our affairs, for we do earnestly want. In the case if you allow to call for some of us you called for Spotted Rabbit, Holds the Enemy, Packs the Hat, Joe Martinez, and I. Do not forget these names I give. Do not get discouraged; you got just cause, and C. I. L. depended on you.

Now, hereafter when you write to me you must not use well-known hotel envelopes, and you must tried change you handwriting, because all postmasters here knows your writing. C. I. L. are strong as ever. You must let me know how things going over there. Tried get me Dalby report if you can.

Hope you success in your work.

God will bless you and protect you.

Sincerely, HORACE LONG BEAR.

EXHIBIT GREY No. 32,

CROW AGENCY, MONT., *March 12, 1905.*

Mr. M. K. SNIFFEN, Philadelphia, Pa.

DEAR MR. SNIFFEN: Yours of recent date to hand, and I was more than glad to hear from you; it is like a gleam of sunshine to hear from you, for I am practically in coventry here. I also received the newspaper clippings, for which accept my thanks. I read them with great interest and carefully, and I think you and Mrs. Grey both have put up a good front; without going into details you have covered the ground pretty thoroughly, and I suppose by this time you will know what action your committee will take. If not asking too much and intruding on your valuable time, I would very much like to know what you are going to do and how you are progressing.

Everything is very quiet here as far as I can see and hear, but, as I said, I am in coventry and treated with a very cold smile, and nothing is allowed to get to me that can be avoided, so you can see my position and imagine the delightful time I am having.

The delegation have not started for Washington yet, but as near as I can find out they will start some time next week.

I have not seen any of our Lodgegrass friends lately, so consequently do not know what they are doing or what they know. I suppose, though, they are, like myself, keeping quiet.

Give my kind regards to Mrs. Grey, and thank her for me for the postal card she sent me, and tell her I would like very much to hear from her. Tell her for me that I think the way things look now that she will have another small boy about my size to take care of.

With best wishes and kindest regards to you both, and hoping to hear from you soon, I am,

Very truly, yours, F. E. SERVER.

EXHIBIT GREY No. 33.

Extract from a sermon preached in Billings, Mont., July 21, 1907, by Rev. B. Z. McCollough, pastor of the First Presbyterian Church.

Theme: On the present-day injustices, with local applications.

Text: Eccl. 3:16.—And, moreover, I saw under the sun in the place of judgment that wickedness was there, and in the place of righteousness that iniquity was there.

* * * * * * *

But now we have a still newer, fresher, broader illustration of modern-day injustice in our community. It is a case that has its direct and also indirect bearing upon the Indian wards on the Crow Reservation, as well as its direct relation to the lives of free-born American citizens, who are entitled to the pursuit of liberty and happiness, whenever they choose to seek it, but they are denied that privilege. As such it demands our attention.

In its direct application, it has to do with the treatment afforded to Mrs. Helen Pierce Grey, who at the present hour is confined in the county jail in this city. Mrs. Grey is a newspaper writer and journalist of some reputation in the East and West. Made a widow some fourteen years ago, she has been forced to make not only her own way, but also to provide for the living and education of her boy. To do this, she has found her sphere in journalism. Last fall she came west to Montana. * * *

Had Mrs. Grey kept her ears and mouth shut as she went from place to place on Crow Reservation—but that was impossible for her to do. As a consequence she got into trouble. For she heard mutterings against the white man and especially complaints against the present management of the reservation. Her feelings of pity were stirred, her sympathies went out to the ones who were wards, she championed their cause, and volunteered to go to Washington, D. C., to interview the head of the nation.

On this duty she was sent. Arriving in Washington she made the great mistake (perfectly natural, however), of going direct to the President instead of the Secretary of the Interior or to the Indian Commissioner. She obtained her audience with the President and received the assurance from him that he would gladly aid in the work by sending some one to look into any charge that might be made. Mrs. Grey then returned to the West. About the last of May the promise of the Government was fulfilled in the person of one Dalby by name, who was sent as inspector of the Crow Reservation. Thoroughly inexperienced in the work (for it was his first attempt) he has proven his unfitness for such a responsible position. For he is a man of violent temper—one who has never learned that he who ruleth his spirit is better than he who taketh a city. By reason of this failing he lost the confidence of the Indians from the very beginning of his investigations and thus was completely handicapped all the way through. In the meeting of the Indians at Lodge-grass in order to confer with him and to state their grievances he lost control of himself, called the Indian testifying a liar, cursed him to his face, and then ordered him out of the tent. The rest of the Indians then said that if he went all would go. A vote of the Indians present (about 200 in number) was taken. They all denied ever having heard Cooper lie, and all affirmed their confidence in him as a truthful man. An Indian turned to the inspector and asked him, "Do you believe in God?" "Yes." "Then why do you take his name in vain, for we have been taught differently?" Another said to him, "You said that you had been sent out here by the Great Father, and yet you start in at once and insult us by calling one of our number a liar. We have no confidence in you, and you might as well go back where you came from. We don't want to talk to you." So great was their detestation of the man that one of the chiefs rose and mocked him before the Indian gathering by imitating his actions in his rage.

Thus did the inspector alienate the friendship of the Indians from the very first. He thus lost a friendship that he can never regain—even though he has made affirmation to the contrary. For the Indian is an entirely different man than the white man. He does not easily forgive an injury, much less does he soon forget an insult. Though Dalby has prided himself on getting all the information that is desired, nevertheless he has failed to obtain the Indians' confidence, and has only obtained the testimony through threats of sending them to the guardhouse unless the wish is granted and the information is forthcoming.

But to return to the story of the party most directly interested. Last Monday morning Mrs. Grey started from Parkman, Wyo., for New York City via Billings, for the avowed purpose of writing up her experiences. She obtained all the information that she desired for her magazine and intended to publish a full account of every thing in the magazines and newspapers of the country. When she reached this city she was arrested by the local chief of police in response to a telegram from the agency ordering him thus to do. The charge that was made against her was that of having returned to the agency after having been ordered to leave it. As this alleged offense is said to have occurred last March, it is passing strange that the authorities should wait until July 15 to make the arrest. Generally as soon as a crime is committed so soon do the officers endeavor to catch the offender. But for some strange reason this was not done then. Now the action in this regard looks as though it was only an afterthought that presented itself when everything else was exhausted. Released on a $300 cash bond (which sum was quickly raised from outside sources and which surprised her enemies) she was almost immediately rearrested on the charge of obtaining money from the Indians. For she had obtained her expenses from them for her trip to Washington, D. C., which was a perfectly natural thing to do. Now her bond was set at $2,000, but when her attorney sarcastically asked about decreasing it somewhat, it was placed at $1,500 more above the former bond—i. e., $1,800. Because she could not find friends who could or would go her security for this amount, she was placed in the county jail, where she is confined in a cell at this very hour. There she has not been allowed the ordinary courtesies extended to other female prisoners. Though the local officers desired to treat her as they do other female prisoners, viz (for they give them a room upstairs in the private part of the jail), yet the orders came to them to place her in a cell and keep her there. I can see no justice, no righteousness, no humanity in that. For she is not going to try to get away, by any means. She could not skip the country even if she should try to do so. She is too well known and too plainly marked for any such thing to result, even though she should even think

of making the attempt. Therefore she is entitled to as good treatment as any other female prisoner.

But there is a reason for all things, and here there is no exception. Unreasonable though is the treatment afforded to her, yet one can see that if there are some people who want to keep her from talking, especially in Montana and city of Billings, that they have found very good means by which to attain their end. For she is in prison, and her mouth is shut. She can say nothing nor can she give anything that is worth while for publication. Thus may her enemies rejoice in her humiliation and downfall. Besides this, there is also a chance for breaking her spirit by confining her in jail for a long time without bail. Though her preliminary trial comes off next Tuesday afternoon, yet unless some unforeseen thing happens she will be bound over to the Federal court, which does not convene in Helena until October. The power of the local judge is almost absolute in this regard. Therefore, can you not see that if she is bound over to the Federal court and can not get bail in the meantime that she will have to languish in jail for ten or fifteen weeks? Don't you think that such treatment would break almost any woman's proud will? Don't you think that that would lead almost anyone to put a quietus upon their words and their actions? It has done it in many cases heretofore, but, of course, in others it has failed. Therefore, there is a good chance here of such results being obtained. And perhaps that is part of the play now. At least it looks very much like it to some of us. * * * They made the affirmations, it is true, but at the same time they do not deem it advisable to give the woman who brought these charges free rein at the present time.

To say the least, it shows a vindictive spirit that should know no place in this life. Take for granted that she has broken the law, which I can not prove or disprove at the present time, though I doubt exceedingly that she has, then why, I ask, did they not prosecute her long ago before her offense was seven months old. That does not look good at all. Granted that she is guilty and has merited punishment, then why place her bail at such a price? For it is higher than the bail ordinarily demanded of bolder and much more desperate criminals for greater infractions of the law. Gamblers and thugs can get out on $750 bail. But a lone woman is dangerous, and she must have abundant security, even twice as much as such desperadoes.

I'll admit that she is dangerous, and that if she was free it might hurt some of the citizens of Billings and community in the estimation of their fellow-men, as it already has done. It might reveal something concerning where some of the expense—money for stone mansions, brick fronts, politics, automobiles, etc.—comes from. And that, forsooth, would be terrible. But if such is the case it ought to be uncovered and punishment settled in its rightful place, no difference whose head should fall.

EXHIBIT GREY No. 34.

Secretary LOEB,
White House, Washington, D. C.

Arrived Wednesday. Arrested by agent and confined at agency. Have done nothing improper. Answer immediately.

HELEN PIERCE GREY.

EXHIBIT GREY No. 35.

HELENA, MONT., *January 23, 1908.*

Mr. PICKETT,
Foreman of the Federal Grand Jury.

MY DEAR SIR: The names of the Crow Indians who came here as representatives of the Crow tribe, to whom I referred this afternoon as desiring to make statements before the grand jury are: Wet, Hides, Strikes Himself on the Head, Arnold Costo, and John Frost. Arnold Costo is an educated full-blood Crow Indian, who speaks good English and is a capable and reliable interpreter, who has come at the request of Plenty Coos and his people to see that their words are interpreted correctly.

Thomas Doyle, whose wife is a Crow Indian, who is the father of five children, is likewise here. He is sent by the Crow Indian lodge of Lodgegrass, to represent them in this investigation, as no Indian can escape the rigid quarantine.

All of the above witnesses may be found at the Cosmopolitan Hotel and are ready at any time to be called by you.

Very truly, yours, M. K. SNIFFEN.

(Mrs. GREY: This as I remember is not a word for word copy, as I rewrote the letter *on account of leaving* out the name Wet, while words may be changed, it is essentially *the letter, which* may be obtained from the Helena papers.)

EXHIBIT GREY No. 36.

APRIL 24, 1907.

MRS. HELEN PIERCE GREY,
192 Dearborn avenue, Chicago, Ill.

MY DEAR MADAM: Secretary Garfield turned over to me your note to him of April 20, and asked me to write you whatever I considered best under the circumstances.

I do not know what you refer to as the reaction of the Indians' charges upon themselves in the "customary manner." The only reaction of which I have any knowledge is in the case of an Indian who makes false statements, and my practice with him is to always make him feel the unwisdom of that line of conduct as sharply as I try to make the white man appreciate the consequences of the same course on his part.

As to your visiting the religious dances, I have no objection to your doing so, and will inclose a note for you if you consider that that is necessary. Of course, no one in Washington—I, or the Secretary, or even the President—would give you any permit to go upon a reservation to make trouble. We expect you to conform to the usual rules in such matters, which your own sense of courtesy and good conduct would naturally prompt you to follow.

I do feel constrained, in connection with all that has passed here, to call your attention to the fact that I have given you every facility for digging down to the bottom of all the records in the possession of the Indian Office—not, as I explained to you at the outset, for newspaper purposes, but for the purpose of discovering, and helping us to discover, whether there is anything wrong in the administration of affairs at the Crow Agency. I assumed at the outset that you understood the limitations in that regard, as no one here would have given you the opportunities that were afforded you on any other consideration. The investigation will be undertaken as promptly as the gentleman chosen by the Secretary can get away to begin it. In pursuance of my particular wish, the Secretary's choice is made of a man over whom I have no control, with whom I have never had more than an hour's conversation possibly in my life, and whom I did not know even by sight until the latter part of last week. Wherever a matter of this kind has come up and the accuser has shown, as you showed at the outset of your interview with me, that he feels the slightest doubt of the fairness of the Indian Office, it has always been my wish that whoever makes the investigation should be some one so completely out of my "sphere of influence" that he will judge my share of the administration quite as impartially as he does that of any of my subordinates.

Sincerely, yours,

F. E. LEUPP, *Commissioner.*

EXHIBIT GREY No. 37.

United States of America, plaintiff, *v.* Helen Pierce Grey, defendant.

Transcript of testimony taken at preliminary examination held before Hon. F. L. Mann, United States commissioner.

GEORGE PEASE, being first duly sworn on oath, upon examination by J. Miller Smith, esq., assistant United States district attorney for the district of Montana, testified as follows:

Q. What is your full name?—A. George Pease.

Q. Where do you live?—A. At Lodgegrass.

Q. On the Crow Reservation?—A. Yes, sir.

Q. Are you a ward of the Government of the United States in charge of Major Reynolds, the Indian agent, and under his superintendency?—A. Yes, sir.

Q. How long have you lived on the reservation?—A. Well, I have been on that reservation since 1880 or 1882, somewhere along there.

Q. Are you a member of the Crow tribe?—A. Yes, sir.

Q. Are you acquainted with the defendant in this case, Helen Pierce Grey?—A. I have seen her; yes, sir.

Q. How long have you been acquainted with her?—A. It must be—well, I seen her last winter some time, in February maybe, or somewhere around there, the first time I seen her.

Q. Along about February?—A. Yes, sir; somewhere around there.

Q. Did you have any business dealings with her?—A. Well, the first time I seen her, to talk to her, was up at my ranch. She come up there. That is a little over 20 miles from the store at Lodge Grass.

Q. On the Crow Reservation?—A. Yes, sir.

Q. Did you have any business dealings with her after that?—A. Well, she spoke about different things when she come up there to me. There were five or six of the

Indians come up there, too. Joe Cooper was there, and she talked about several things with the Indians.

Q. What was this talk with the Indians?—A. She come up there and she said there was a lot of money that was due to the Crows that was sent out here to the agent and they hadn't got it. She spoke about sugar-beet business and said that they were going to take the Indians' land away from them and put it out in sugar beets, and the Indians could only have 20 acres apiece, and they were going to make them raise sugar beets whether they wanted to or not, and make them work their children and men and all work whether they wanted to or not. That was one of the things she talked about, and then she spoke about some money that was due to the Crows, somewhere, I think, about $150,000. Well, two or three different batches of money she talked about was sent here to be issued out to the Indians and the agent didn't think it ought to be. She claimed she was going to get that money paid and a whole lot of other things she was going to look into; and about citizenship, she wanted us all to become citizens. She wanted us to sign some papers that night to that effect.

Q. What else did she speak about, if anything?—A. I don't remember. She was there pretty late talking to the Indians; I don't remember half what she said, nor nearly half of it.

Q. She was to represent you and the other Indians, was she?

By Mr. GROVES:

I object to that as leading.

Q. What part was she to take in the recovery of the money from the Government or the Indian agent?—A. She said she was going to make the agent pay the money, and if he didn't have it, she said, she could have him sent to the pen, and she thought she could get the money by going to Washington.

Q. Was she hired or engaged by the other Indians and yourself to represent you?—A. That was the first time she was there. She wanted some money, I understood, although she didn't ask me outright for the money.

Q. Did you have any later conversation or understanding with her in regard to the recovery of this money?—A. She gave us to understand that she could get the money if we would do as she wanted us to.

By Mr. GROVES:

Now if the court please I move to strike out that answer, for the reason that the answer "She gave us to understand that she could get the money" is simply the conclusion of the witness and not a statement of fact.

Overruled; exception.

Q. Was she engaged by the Indians to represent them in Washington in this matter?—A. The first night I talked to her?

Q. Yes, or any other night?—A. Well, we didn't do much that night. I understood that she wanted some money. I told her that we had a lodge down there. She had some papers there that she said that we ought to sign that night, and I told her we wouldn't do nothing toward signing any papers that night, and that we wouldn't do nothing until after we had our meeting down there and talked with the other Indians about the thing, so that they would all know something about it.

Q. Did you have your lodge meeting afterwards?—A. Yes, sir.

Q. When was that?—A. I think it was about the 9th of March. I am not sure about the date, but I think it was the 9th of March we had our meeting down there.

Q. Where was this meeting held?—A. At Lodgegrass. A little ways out of town; about a mile.

Q. What did the lodge do there at night with reference to the matter?—A. Well, we had our meeting there, and she come there, and she told them what she wanted them to do toward putting a stop to the sugar-beet business and about the money she could get that the agent got and couldn't pay, and other things she spoke about.

Q. Was any money raised?—A. They collected some money. She wanted six hundred for her part, she said, for traveling on and for her expenses, and she said she wanted to take some of the boys along. Some of them had the money to pay for going. It was two hundred apiece, and some of them wanted to go, but didn't have the money to pay, so they were collecting money for, and for those who didn't have the money that were going with her, but they didn't collect, I don't think, over two hundred that night.

Q. Collect more later, did they?—A. Why, yes; they collected more afterwards. I don't know how much they collected after that; I wasn't around when they were collecting any more.

Q. Did you pay her any money yourself?—A. I gave her $25 out of this money that was collected the first night.

Q. State what was done with regard to collecting money there at that meeting and paid to the defendant?—A. All I gave her that night was $25, and what was gave to her later I don't know anything about. The $25 I gave her was out of the money that was collected there that first night and the rest of it was turned over to the members of the lodge. Joe Cooper and others had the money. I didn't have it myself.

Q. Was the defendant paid this money to represent you Indians in collecting the money she said was due you and looking after those other matters she spoke about?—A. Yes; that was what the money was for.

Mr. GROVES. If the court please, I move to strike out that answer until I can interpose an objection to the question for the reason that the same is leading and suggestive.

Overruled; exception.

Q. Was this agreement that you Indians had with the defendant in writing?—A. She had some papers there, but I don't know anything about that.

Q. Did the Indians have any written contract with her?—A. I don't know. She had some papers there to be signed, but I don't know what they were.

Q. Was it signed before a judge of a court of record?—A. No, I don't—I don't know of any around there.

Q. Where was the defendant paid, the defendant by you, Mr. Pease?—A. The $25 I gave her?

Q. Yes.—A. At the meeting there at Lodgegrass, or about a mile from the post-office building there.

Q. On the Crow Reservation?—A. Yes, sir.

Q. In the State of Montana?—A. Yes, sir.

Cross-examination by HARRY A. GROVES, esq., attorney for defendant:

Q. How old a man are you, Mr. Pease?—A. I am about 41.

Q. Where were you born?—A. I was born at Fort Union.

Q. Where is that?—A. It is in Montana, about the edge of Montana and Dakota.

Q. Is that on an Indian reservation?—A. No, I don't think it is. I think it was military reservation at that time.

Q. About what year would that make your birth?—A. About 1866.

Q. Who is your father?—A. F. D. Pease.

Q. Is he still living?—A. Yes, sir.

Q. Where?—A. He is over there close to my ranch. He is not right on my ranch; he is about 4 or 5 miles from there, over on Rotten Grass.

Q. Where is that?—A. On the Crow Reservation.

Q. How old a man is your father?—A. I guess he is over 70.

Q. Do you know where he was born?—A. Pennsylvania.

Q. Your father is a white man?—A. Yes, sir.

Q. Who was your mother?—A. She was Cooper's wife over across the river; she is dead now.

Q. Where was your mother born?—A. I don't know, somewhere down here, between here and Tongue River some place; I don't know just exactly where.

Q. When was she born, what year?—A. I don't know.

Q. How long has she been dead?—A. She has been dead four or five years.

Q. Was she an Indian woman?—A. Yes, sir.

Q. A member of the Crow tribe?—A. Yes, sir.

Q. Do you know when your father married her?—A. No.

Q. Have you any idea?—A. No.

Q. Do you know where they were married?—A. They were married down there on the Missouri River.

Q. Do you know how many children came of the union between your father and mother?—A. My father had three children by her.

Q. Who was the oldest?—A. Lee Pease; he is dead now.

Q. How old would he be if he was alive at this time?—A. He would be something like 45, I think, 45 or 47; something like that.

Q. He was a full brother of yours?—A. Yes, sir; he was the oldest.

Q. Who was the next?—A. She is living up here; she is a girl.

Q. How old is she?—A. She is older than I am.

Q. Do you know about how old she is?—A. She is two or three years older than I am.

Q. How old would that make her?—A. I don't know; I didn't keep a family history myself.

Q. Well, if she is two or three years older than you are, it is pretty easy to figure about how old she is?—A. Well, about 43 or 45; somewhere in there.

Q. Where did your father live subsequent to the time he married your mother?—A. He was down there trading at Fort Union.

Q. Living off the reservation, was he?—A. I don't know whether that was reservation at that time or not. I think it was a military reservation.

Q. When did your father leave Fort Union?—A. I don't know.

Q. Have you any idea when he left?—A. No, sir.

Q. Do you know where he went after he left Fort Union?—A. I don't know where he did go. He was up and down the Missouri River, trading up there.

Q. And your mother was with him during this time, was she?—A. She was there part of the time with him.

Q. How did she dress during her lifetime; do you know? Did she wear the garb of a civilized person or an Indian?—A. She wore a white woman's dress.

Q. She didn't wear a blanket?—A. No, sir.

Q. You say your father is now on your ranch on Rotten Grass?—A. He is not right on my ranch; he is over there about 4 or 5 miles below my ranch.

Q. How much land have you there?—A. My own, myself?

Q. Yes, sir.—A. I have 320 acres of my own land, and some land belongs to my wife and children.

Q. Is that located on the reservation?—A. Yes, sir.

Q. How long have you been in possession of that land?—A. About fourteen years—thirteen or fourteen years.

Q. Are you the owner of it?—A. Yes; I am running it.

Q. It is your land, your ranch?—A. Yes, sir.

Q. Do you remember under what treaty you got that land?—A. No; I don't remember under what treaty I got it. It was allotted to me.

Q. The land has been allotted to you as a member of the Crow tribe, has it?—A. Yes, sir.

Q. You don't know under what treaty it was allotted to you?—A. No.

Q. Did you ever hear?—A. I don't know. I remember I had my ranch up here, and those who threw up their ranches here were to get ranches down there, so I threw up my ranch, and got this allotted to me.

Q. That was fourteen or fifteen years ago?—A. Yes, sir; somewhere along there.

Q. When did you say was the first time you met Mrs. Grey?—A. The first time to speak to her was when Joe Cooper brought her up to my ranch.

Q. When was that?—A. That was, I think, in March some time.

Q. Do you know about what time?—A. Somewhere about the 1st, I think, Joe Cooper brought her up there.

Q. This ranch is the same land you spoke of having been allotted to you fourteen or fifteen years ago?—A. Yes, sir.

Q. Who was there at that time?—A. My wife was there and my father, and there was five or six Indians come up after she got there. They come up to have a talk with her. Joe Cooper was there.

Q. Now, what conversation did you have with Mrs. Grey at that time?—A. Well, she did about all of the talking.

Q. What did she say?—A. Well, the main thing was about the citizenship.

Q. What did she say about the citizenship?—A. She said she wanted to make citizens out of all of the Indians, so that they could do everything the way they wanted to, and run their own business themselves, so that they could do as they pleased with their lands and run their own business.

Q. She made that statement to you, did she?—A. To me before others.

Q. Before Joe Cooper and your wife and father?—A. I don't know about my wife; I think she was not there then; but those Indians was there; five or six Indians and Joe Cooper and myself was there.

Q. Now, what else was said at that time?—A. She talked about the sugar beets.

Q. What did she say about the sugar beets?—A. She said they were going to put sugar beets in their land and take their land away from the Indians and only give them 20 acres apiece and make all the Indians work wehther they wanted to or not; make the wives, children, and men all work raising sugar beets, whether they wanted to or not.

Q. What else did she say?—A. Something about some money that was paid on this land sale down here.

Q. What land sale was that?—A. Land down by Fort Custer; there was some money sent out to be paid to the Indians, and the agent didn't pay it, she claimed.

Q. How much money?—A. She figured that there was about fifty apiece.

Q. Did she make any statement or estimate of any lump sum of money?—A. Yes, sir.

Q. What amount?—A. She said that there was two or three batches of it; I don't know the exact amount, but I think it was $90,000 or $150,000, or maybe it was both.

Q. What else was said?—A. That was all I can remember; I don't remember all that was said.

Q. That is all that you remember that was said there about the 1st of March at your *ranch?—A. I might* remember some more after awhile, but I can't do it now.

Q. Then, to the best of your recollection, all that was said you have related?—A. There was more said. She was there pretty late that night. She talked about different things.

Q. What other subjects did she speak about other than the citizenship matter, the beet-culture business, and the money she claimed the agent had? What other subjects was touched upon?—A. I think that those were the main points.

Q. Anything else she spoke about was simply incidental to those main subjects?—A. Yes, sir.

Q. Did you enter into any agreement that night as to what you would do?—A. She had some papers there that she wanted them to sign that night, but I told her that we wouldn't do anything like that until after we had our meeting, because there might be some kick about it by the other Indians, and I told her we wouldn't do anything like that until they all knew something about it. I didn't want to sign the papers, and I didn't think it was good idea for the Indians to sign, and I told them so.

Q. Then you didn't enter into any agreement that night at all?—A. Not that I know of; no, sir.

Q. Now, when was the next time you had any talk with Mrs. Grey relative to these matters?—A. When we had our lodge meeting down at Lodgegrass.

Q. When was that?—A. That was about the 9th of March.

Q. What was the name of that lodge?—A. Crow Indian Lodge.

Q. Were you an officer of the lodge that time?—A. I was part of the night; only half of the night.

Q. What office did you hold?—A. President of the lodge.

Q. During the fore part of the evening or the latter part?—A. Until somewhere along about 12 o'clock or towards morning some time; the meeting lasted all night until daylight.

Q. You kind of took shifts as president; one fellow acted president for a while, and then you acted as president after?—A. I was out of it after that, and Joe Cooper was president.

Q. He worked as president the first shift, and you worked the second; is that right?—A. I was the president there that night until about 12 o'clock, and then they voted for Joe Cooper and got him in, and I had nothing to do with it at all after that.

Q. Was Mrs. Grey there at that time?—A. Yes, sir; she was there.

Q. What representations did she make to the lodge that night?—A. Well, just as I told you, she was there and talked about sugar-beet business and this money she claimed was not paid to the Indians.

Q. What else did she say?—A. She wanted money to go to Washington with.

Q. How many Indians are members of this Crow Indian Lodge?—A. About 150; somewhere around there; I don't know just how many there are.

Q. How many were there that meeting at the lodge meeting?—A. About 40 or 50, I guess.

Q. Was any agreement entered into that evening between Mrs. Grey and any particular Indian there at that lodge meeting on March 9?—A. I don't know; they were all talking there; there was a lot of them talking to her, and she was talking, too.

Q. It was simply a general conversation about this money that the agent was holding, the sugar-beet raising, and the citizenship matter?—A. Yes, sir.

Q. That was the subject of general conversation before the lodge?—A. Yes. She wanted the money to go to Washington and work with and to stop this law that was in force to make them give up their land for sugar beets. She claimed she was going to stop that, and that was what they were all talking about.

Q. With whom did she have this conversation?—A. With all of the Indians there, or nearly all of them.

Q. Do you know of any particular Indian with whom she discussed this matter there that night?—A. Well, they were all talking to her. They did not want to give their land up for sugar beets, and they wanted this money that was due them, and they were all talking to her about it.

Q. What part of the evening did you have this conversation; in the fore part or the latter part?—A. Well, the meeting commenced somewhere along about 9 o'clock and lasted all night.

Q. You started some time after dark and talked about these things until late the next morning?—A. It was after the 4 o'clock train had gone that we quit.

Q. Who was at the head of the lodge meeting at the time it adjourned?—A. Joe Cooper was, I suppose; he was elected president, and I had nothing to do with it after that.

Q. Now, what agreement was there made with Mrs. Grey that night about these Indian lands that were going to be taken for raising sugar beets and about this money?—A. *When it was closed I don't* remember just how much they got, but they were going *to get some more money* after that.

what agreement was entered into between Mrs. Grey and the Crow I understood she had some papers there to be signed.

agreement between Mrs. Grey and the Crow Indian Lodge?— were going with her to Washington, but some of those that were going didn't ey enough.

was going with her to Washington?—A. Four or five of the Indians.

ch ones were going; can you name them?—A. Joe Cooper was one, Frank ne, Packs His Hat, and Spotted Rabbit.

With whom was this agreement entered into?—A. There was some more; I can't of the other fellows. Yellow Brow wanted to go too; he said he had the money; Holds His Enemy.

Was anybody else going?—A. That was all, I think; there might have been one I think there was six in all.

Did you yourself enter into any agreement with Mrs. Grey that evening?—A. I her that night that I didn't think we could get enough money that night, and I aid to her that I thought we had better not try to get money enough that night, because didn't think we could get enough.

Q. What agreement did you enter into with Mrs. Grey on the night of March 9—with Mrs. Grey at the lodge meeting?—A. I don't know as I entered into any agreement with her.

Q. You yourself never entered into any personal agreement with Mrs. Grey relative this business on the reservation?—A. All I done I was talking you know for the e. I was president of the lodge during the first half of the night, and I was talk- to her for the benefit of the lodge and the other Indians She wanted to get ey and go that night, and I didn't want them to go that night.

Q. As a matter of fact, on the night of March 9, at the lodge meeting, you never entered into any agreement with Mrs. Grey, did you?—A. I don't think I did. I don't remember of any.

Q. You were representing the Crow Indian Lodge, were you?—A. Yes, sir; until I was voted out as president.

Q. And then Mr. Cooper represented the lodge from that time on until morning?—A. Yes, sir.

Q. How much money was raised there that night?—A. The pot money collected was something like two hundred.

Q. Who collected that money?—A. Joe Cooper and two or three other Indians kept count of it. The Indians threw the money into a pile what they had.

Q. For what purpose was this money collected there that night?—A. She wanted the money to go to Washington with; she wanted $600, she said, for her part to travel on and for expenses.

Q. She wanted that money to pay her expenses while she stayed in Washington looking after this business for the Indians?—Yes, sir.

Q. How much of this money did she receive?—A. I gave her $25 of it that night, out of the two hundred that was collected.

Q. Were you acting as the representative of the lodge when you gave her that $25?—A. Yes, sir; I was then.

Q. Now, for what purpose did you give her that $25?—A. She claimed she needed some money right away; $50 was what she wanted; Joe Cooper gave her $25; she wanted to send away, she said.

Q. You remember the particular conversation you had with Mrs. Grey the time you gave her $25?—A. That was the way of it; she said she needed $50 for her expenses.

Q. To Washington?—A. No; for some other purpose; she claimed she had to have some money right away, $50.

Q. For what?—A. She had a boy going to school some where in the East, and she had to raise $50 right away; that is what I understood the $50 was for.

Q. Now, as a matter of fact, was there any particular agreement entered into that night at the meeting between the lodge or any of the Indians and Mrs. Grey?—A. That was what they were talking about.

Q. But did they enter into any definite agreement there?—A. They were going to Washington and see the President; they were going to go with her as soon as they got money enough; they were going to Washington and see the President and have a talk with him. That was the understanding they had.

Q. Now, what definite proposition did she make there that night; what did she say she would do?—A. She said she would stop this sugar-beet business and that she would get this money for them paid to them in cash, and several other things; I don't remember all of it.

Q. What consideration were the Indians going to pay her for doing this?—A. She wanted $600, but they didn't raise it there that night.

Q. Did she say she wanted you to pay her $600 for doing this business for you?—A. She asked for it, and they were trying to collect it.

Q. Did you hear any Indian say that he would give her $600 for this work? Did you yourself tell Mrs. Grey as president of the lodge that the Crow Indian Lodge would pay her $600 for performing this work?—A. No, sir.

Q. You yourself, as an individual, didn't agree to pay her $600 for accomplishing these things?—A. No, sir.

Q. Did anybody else tell her they would pay her the $600?—A. Not that I know of.

Q. As a matter of fact, Mr. Pease, you all had a general conversation at the lodge meeting there that night there regarding conditions existing on the reservation?—A. Yes, sir.

Q. As a matter of fact, the Indians wanted to make a petition to the President relative to those matters; isn't that true?—A. They didn't make any petition that I know anything about.

Q. Well, in other words, some of the Indians thought that something ought to be done at Washington about the matter?—A. Yes, and she and four or five of the Indians were to go with her.

Q. And this $600 was to be raised to pay their traveling expenses to Washington?—A. She wanted six hundred for her own part, for herself.

Q. You didn't raise the $600, did you?—A. It wasn't raised that night, and after that I was out of it and don't know anything more about it.

Q. As I understand, the money was raised for the purpose of paying these expenses of this trip to Washington. Isn't that true?—A. Yes; that is what it was for; some of them had the money to go with right in their pockets, and they wanted to raise the $600 for her part.

Q. Out of the $200 collected that night at the lodge meeting you gave her $25?—A. Yes, sir.

Q. To pay her expenses to Washington?—A. Yes, sir.

Q. And you say four or five other Indians were to accompany her to Washington?—A. Yes, sir.

Q. Was any of this $200 given to them to pay their expenses on the trip?—A. That was something I didn't have anything to do with after that night. I didn't have anything more to do with it. Some of the Indians had the money to pay, and others wanted to go but didn't have the money to pay, and they were to have enough for their expenses besides the $600 which was her part. They collected more money afterwards.

Q. Did Mrs. Grey go to Washington?—A. She went afterwards, I heard.

Q. Did any of the Indians accompany her to Washington, do you know?—A. Not that I know of; they started, but came back again.

Q. Are you any relation to Joe Cooper?—A. Yes, sir; he is a half-brother of mine.

Q. Was this one meeting the only meeting that the lodge held down there?—A. Yes, sir; I went to one, and this other second meeting they didn't allow me around.

Q. Who wouldn't allow you there?—A. She didn't want me there.

Q. Did Mrs. Grey keep you away from the other meeting?—A. Yes, sir.

Q. What was the cause of the change in the presidency in the lodge down there that night, the 9th of March?—A. Because I didn't want her to get the money there that night. I wanted the Indians to hold onto the money.

Q. And they voted you out of office and elected Mr. Cooper as the president of the lodge?—A. Yes, sir.

Q. Do you know what particular Indian or Indians contributed this $25 that you gave to Mrs. Grey that night?—A. I don't know; they all gave what they had, and it was all written down on the paper what they gave. Joe ought to know how much each gave.

Q. You have no recollection yourself?—A. No, sir.

Q. When was this money paid to Mrs. Grey?—A. That night at the meeting.

JOE COOPER, being first duly sworn, upon examination by J. Miller Smith, esq., testified as follows:

Q. What is your full name?—A. Joseph William Cooper.

Q. Where do you live?—A. I live at Lodgegrass.

Q. On the Crow Reservation?—A. Yes, sir.

Q. In the State of Montana?—A. Yes, sir.

Q. Are you a ward of the Government, in charge and under the superintendency of Major Reynolds?—A. That is a question with me, sir; I don't know how to answer that.

Q. You live in tribal relations on the Crow Reservation, do you?—A. Yes, sir.

Q. How long have you lived on the reservation?—A. I have lived on the reservation *since 1883.*

Q. Are you a member of the Crow tribe?—A. Yes, sir.

Q. Have you ever met the defendant in this case, Helen P. Grey?—A. Yes, sir.

Q. How long have you been acquainted with her?—A. I have been acquainted with her since February.

Q. Did you have any business dealings with her?—A. Yes, sir.

Q. Did you ever have any understanding with regard to any business that she was to transact for you at Washington?—A. Yes, sir.

Q. Was that agreement put into writing; did you sign any such agreement in writing?—A. No, sir; not in writing.

Q. What was that agreement, Mr. Cooper; was the defendant to perform any services for you and the other Indians at Washington?—A. Yes, sir.

Q. What services was she to perform?—A. She was to intercede for us.

Q. In what way and for what purpose?—A. She was to reach the President.

Q. Why, what did she tell you she was going to do for you there, if anything?—A. As I have stated, she was to intercede for us with the President.

Q. In what respect, touching what particular thing?—A. The general conditions on the reservation.

Q. Regarding any money matters or land matters?—A. Yes, sir.

Q. Tell us what those things were.—A. Citizenship matter was one thing.

Q. Of the Indians living there on the reservation?—A. Yes, sir.

Q. What else?—A. Why, also in regard to $90,000 the Government paid into it.

Q. Where?—A. At Washington, I suppose.

Q. For whom?—A. For the Crows.

Q. And the Crows haven't yet received it?—A. Yes, sir.

Q. Was she going there to recover this money or you?

By Mr. GROVER. Now, if the court please, we object to that as leading; let the witness state the facts.

Mr. SMITH. State the facts, Mr. Cooper.

A. About the $90,000?

Q. Yes, sir.—A. She claimed it was never paid to us; the Government had sent the money and authorized that $90,000 be paid to us in one chunk.

Q. Were you Indians to pay her for her service in going there?—A. Yes, sir.

Q. How much?—A. $600.

Q. And was any effort made to raise this money?—A. Yes, sir.

Q. How much was raised, if not all of it? Give the different amounts.—A. At one time, I think, there was something between $140 and $200.

Q. Did you pay her any money on account of these services?—A. Yes, sir.

Q. How much did you pay her the first time?—A. I paid her $25.

Q. When?—A. The first time I paid her any money?

Q. Yes.—A. It was in March some time.

Q. How much was that, Mr. Cooper?—A. Twenty-five dollars the first time and $300 the next time.

Q. Where did you pay her the $300?—A. Here in Billings, at the Northern Hotel.

Q. Did you take her receipt for it?—A. Yes, sir.

Q. When and where and how much?—A. I sent her hundred after that; I had the express receipt to show for it.

Q. About when was that?—A. I think it was in April.

Q. To what place did you send it?—A. To Washington.

Q. In a post-office money order, was it?—A. No, sir; Adams Express money order.

Q. Sent to her at Washington, you say?—A Yes, sir.

Q. For services she was to render for the Indians?—A. Yes, sir.

Q. Now, this $300 that you say you paid her, was that your personal money or did it belong to the lodge?—A. It belonged to the lodge.

Q. Representing money given by the different Indian wards of the Government living there on the reservation the same as you do?—A. Yes, sir.

Q. When did you pay her that $25 you speak of, Mr. Cooper?—A. It was in March; I am not sure of the date.

Q. Whose money was that $25 you said you paid her?—A. That was my own individual money.

Q. Did you have any agreement with her in regard to that?—A. No, sir.

Q. Was it on account of the money to be paid her for these services she was to perform for the Indians?—A. I don't quite understand you.

Q. Did it go in as part of the money to be paid for her performing those services for you?—A. No, sir.

Q. Then you were to pay her $600 besides that?—A. Yes, sir.

Q. Wasn't it on account of these services which the defendant, you say she said, was to render for you and the other Indians there at Washington?—A. That feature of the case wasn't mentioned when I gave her the $25.

Q. But wasn't it in regard to those services, the work that she was to do for you Indians at Washington?—A. That was not settled yet at the time, but it was to that end that I gave her the $25.

Cross-examination by Mr. GROVES:

Q. Where were you born, Mr. Cooper?—A. At Fort Buford.
Q. When?—A. In 1872.
Q. Who was your father?—A. My father was James B. Cooper.
Q. Where was he born?—A. In the State of Georgia.
Q. He is a white man, is he?—A. Yes, sir.
Q. When did he marry your mother?—A. I couldn't say, sir.
Q. How many children did your mother have by your father?—A. Seven.
Q. Are you the oldest?—A. No, sir.
Q. How many brothers and sisters have you older than you are yourself?—A. I have one sister older than I be.
Q. Do you know when she was born?—A. I think she was born in 1870.
Q. Where has your father been living since 1872?—A. At various places.
Q. Where?—A. At Miles City.
Q. When did he live at Miles City?—A. He was there until 1883.
Q. Did he live at Miles City from 1872 until 1883?—A. No, sir; he came there in 1878 or 1879.
Q. You went to Miles City, too, did you?—A. Yes, sir.
Q. You lived there until 1883?—A. Yes, sir.
Q. Then where did you go from there?—A. We came to Custer Station on the Crow Reservation.
Q. How long did you live there?—A. I think we lived there two years.
Q. Then where did you go from there?—A. We came up here then.
Q. Where do you mean by "up here?"—A. Our post-office was here at Billings.
Q. Came here to Billings in 1885, and have lived here ever since?—A. I have been here—until——
Q. Your father and mother lived on the Crow Reservation from 1883 to 1885?—A. Yes, sir.
Q. That was the only time they ever lived on the Crow Reservation, is it?—A. I don't know.
Q. You yourself never lived on the Crow Reservation, did you?—A. Yes, sir.
Q. When?—A. From 1883 until the present time, with the exception of time that I was away at school.
Q. What particular portion of the reservation did you live on during this time?—A. The ceded strip.
Q. What do you designate as "the ceded strip," that portion of the reservation which was cut off by the treaty of 1892?—A. Yes, sir.
Q. Since that time that portion hasn't been a portion of the reservation, has it?—A. The fact is that I went back on the reservation proper after that time.
Q. And lived there ever since, have you?—A. Yes, sir.
Q. During your mother's lifetime in what garb did she dress, in white woman's dress or Indian's dress?—A. She dressed like a white woman.
Q. Did you ever have any land allotted to you on the reservation?—A. Yes, sir.
Q. When?—A. About three or four years ago.
Q. In 1903 or 1904?—A. Somewhere in that neighborhood; I wouldn't be certain; it was three or four years ago.
Q. How much?—A. I had 320 acres for myself.
Q. Do you know under what treaty you took that land?—A. I do not; no, sir.
Q. Are you in possession of it now?—A. I am not living on it; no, sir.
Q. Range any stock on it or anything of that kind?—A. No, sir.
Q. Do you know the description of the land, the numbers of it?—A. Yes; but I couldn't give them to you offhand.
Q. What part of the reservation is it located at, or is it located on the reservation?—A. It is on the reservation; yes, sir.
Q. What portion, near what station?—A. I am not near no station; I am next to the mountains.
Q. That would put you in the southwest portion of the reservation then?—A. Yes, sir.
Q. When was the first time you ever met Mrs. Grey?—A. Last February.
Q. Where did you meet her?—A. I met her at Frank Gordon's place.
Q. Where is that?—A. At Lodgegrass.
Q. Did you have any conversation with her at that time?—A. Yes, sir.
Q. Was it relative to the condition of affairs on the reservation?—A. Yes, sir.

hat time in February you met her?—A. I think it was about the

er the time that you and Mrs. Grey went to the ranch of George e?—A. , sir; I do.

When was that?—A. I don't recollect the exact date.

Q. Do you know what month it was in?—A. It was in February.

Q. About what time in February?—A. I can not say, sir.

Q. At that time you went up to the ranch of George Pease with Mrs. Grey did you e any agreement with her as to what should be done about the condition of affairs he reservation?—A. For myself?

For yourself or anybody else.—A. No; we hadn't entered into regular agreement.

You simply had a general conversation about conditions as they existed on the rvation about this $90,000 land money, and about the beet-culture proposition; at that time you entered into no agreement with Mrs. Grey?—A. No, sir.

Do you remember when you held the meeting of the Crow Indian lodge on h 9?—A. Yes, sir.

Q. Who was president of the meeting during the first part of the evening?—A. I was.

Q. Were you president of the lodge during the whole of the evening?—A. I would to explain that; I had been elected president unanimously, but I was denied right.

Q. When were you elected?—A. The 28th day of February.

Q. That was at a meeting of the Crow Indian lodge, was it?—A. Yes, sir.

And they held another meeting on the 9th of March, which is the meeting that Pease has been telling about here?—A. Yes, sir; that was the second meeting had.

Q. When was that held?—A. Somewhere about the 9th of March.

Q. What was the purpose of holding that meeting?—A. The purpose of that meeting was to discuss the affairs of the reservation.

Q. Was Mrs. Grey present at that time?—A. Yes, sir; she was.

Q. Did you enter into a general discussion of the affairs as they existed on the reservation?—A. Yes, sir.

Q. That was in regard to the money, the beet-culture proposition and the citizenship of the Indians?—A. Yes, sir.

Q. Did the Crow Indian lodge or any of the members of it enter into any argeement with Mrs. Grey at that time?—A. They did in general; yes, sir.

Q. What do you mean, in general?—A. Each one was to speak for himself; everyone spoke for themselves about the matter.

Q. That is, every Indian expressed his own ideas as to affairs on the reservation?—A. Yes, sir.

Q. And was there any formal action taken by the lodge in reference to the matter?—A. Yes, sir.

Q. What action was taken?—A. The action was taken that we would send Mrs. Grey back to Washington.

Q. Now, what proposition did Mrs. Grey make to you and any of the other Indians there that night?—A. The proposition which she made was in writing; it was a written proposition and which I can not repeat now.

Q. Have you got that writing with you?—A. I haven't got it here.

Q. Do you know where it is?—A. Well, I have some fragments of it.

Q. Did you tear it up?—A. It wore out in my pocket.

Q. Where are the fragments that you speak about?—A. They are over at my sister's place.

Q. In Billings?—A. About 6 miles from here.

Q. Are they in such a condition that you can tell the contents of the original petition?—A. Well, I think the way we settled there was some little difference between the one that I have.

Q. Now, what definite proposition did she make you there that night?—A. She said she would go back and represent us for $600.

Q. What was she to do for that $600?—A. She was to go back there and work in our behalf.

Q. What do you mean by working in your behalf?—A. As I have stated before, she was to go back and intercede with the President in our behalf.

Q. How was she to intercede for you with the President?—A. With the papers that she had taken back with her.

Q. What paper was that?—A. As I have stated, I can not tell you offhand.

Q. What was the nature of it?—A. About the beet-raising business and the citizenship matter and the money.

Q. How much were you to pay her for that?—A. Six hundred dollars.

Q. Was that paper a petition to the President of the United States, signed by the Indians down there?—A. Yes, sir.

Q. And she was to present this petition to the President for the Indians?—A. Yes, sir.

Q. Was she to do anything else?—A. That was all.

Q. Who was to pay it?—A. We agreed to pay her $600.

Q. Who agreed to pay her?—A. The lodge at large.

Q. What formal action did you take with reference to the matter?—A. Our action was purely verbal.

Q. Who represented the lodge in this transaction?—A. Partly George Pease and partly myself.

Q. How do you know whether Mr. Pease, as a representative of the lodge, president of the lodge, agreed to pay Mrs. Grey $600?—A. I don't know as George Pease expressed himself in person about paying her $600; I couldn't say as to that.

Q. He didn't make any proposition of that kind that you know of?—A. No, sir.

Q. Do you know of any other Indian there that night that promised to pay her $600 or any other sum of money?—A. There was no individual that got up and said he would pay her the $600.

Q. Did you yourself say that you would pay her $600?—A. Not as an individual, I didn't; no, sir.

Q. As I understand you you took up a collection there that evening?—A. Yes, sir.

Q. How much money did you collect there that evening; how much did you get?—A. Between $140 and $200.

Q. For what purpose was that collection taken?—A. Toward the $600 we had agreed to pay.

Q. Who agreed to pay this $600?—A. I am lacking in my vocabulary to explain that to you, sir; the lodge at large.

Q. Who represented the lodge at large in making that agreement?—A. As I have stated, there was confusion as to who was at the head at this meeting that night.

Q. Well, either Mr. Pease was president of the lodge or you were that night; isn't that true?—A. Well, the first part of the evening he held the seat against me.

Q. And the rest of the evening you occupied the chair?—A. Yes, sir.

Q. Now, as I understand you to say, Mr. Pease never agreed to pay her $600 or any other sum for services to be rendered on behalf of the Indians there?—A. As I have stated, no person agreed to give her $600 as an individual.

Q. What I am trying to get at is how it was understood that she was to receive $600 if no person agreed to pay her that sum.—A. She simply had to take our word for it.

Q. Whose word?—A. Our word.

Q. Who gave her the word that she would receive the $600 for performing the services for you?—A. I don't understand you.

Q. As a matter of fact nobody told her that they would pay her $600; isn't that correct?—A. Yes, sir.

Q. And as a matter of fact she simply stated that she would need $600 to pay her expenses to Washington; isn't that true?—A. Yes, sir.

Q. And upon the strength of that a collection was taken up among the Indians?—A. Yes, sir.

Q. And you raised between $140 and $200?—A. Yes, sir.

Q. And that is what you mean that there was an agreement to pay her $600?—A. Yes, sir.

Q. In other words, Mrs. Grey didn't make the representation to that lodge there that evening that she would accomplish certain things before the President at Washington, did she?—A. No, sir.

Q. She was simply discussing with the lodge the general conditions existing on the reservations—that is, relative to the money the beet-culture business and the citizenship matter?—A. Yes, sir.

Q. And after she had explained those things to the lodge several Indians there thought that something ought to be done at Washington in that connection?—A. Yes, sir.

Q. And they wanted to know how much her expenses would be to go to Washington?—A. Yes, sir.

Q. And then went to work to raise a collection and obtain the money that way?—A. Yes, sir.

Q. And you got them $140 to $200 that night?—A. Yes, sir.

Q. Now, when was the first money you gave Mrs. Grey?—A. In February.

Q. Who gave her that $25?—A. I did.

Q. Where?—A. At George Pease ranch

Q. That was your personal money?—A. Yes, sir.

Q. Now, then, there was no express agreement between you and Mrs. Grey as to what this money was for?—A. No, sir.

Q. She simply represented to you that she needed a little money in this work and you gave her $25?—A. Yes, sir.

Q. Now when was the next money given to Mrs. Grey?—A. The next money was given to her by George Pease.

Q. When was that?—A. That was about the 9th of March.

Q. Was that at this meeting at the Crow Indian Lodge?—A. Yes, sir.

Q. That was out of the collection that was raised there that night toward defraying Mrs. Grey's expenses on her trip to Washington?—A. Yes, sir.

Q. Now, what other money did Mrs. Grey ever receive?—A. Three hundred dollars that I paid her here at the Northern Hotel.

Q. When was that?—A. That was about the 20th of March.

Q. That was after you held a meeting of the lodge when you raised the $140 to $200, was it?—A. Yes, sir.

Q. Did any of that money, from $140 to $200 that you collected at the lodge meeting, go to make up this sum of $300 that you paid her?—A. Yes, sir.

Q. How much of it?—A. The collection all told amounted to $308, I think.

Q. You say that at the meeting of March 9 between $140 and $200 was collected?—A. Yes, sir.

Q. And $25 of that money was given to Mrs. Grey that evening?—A. Yes, sir.

Q. That would leave somewhere between $125 and $175 remaining?—A. Yes, sir.

Q. Now, where did you get the balance of the money to make up the three hundred? A. I got $140 from the treasury of the lodge.

Q. One hundred and forty dollars was taken out of the treasury of the lodge?—A. Yes, sir.

Q. And the balance was the remainder of the money raised at the collection on the night of the lodge meeting?—A. Yes, sir.

Q. Was there any other agreement between you and Mrs. Grey at the time you gave her the money at the Northern Hotel other than it was for her expenses to Washington?—A. No, sir.

Q. Was there any other agreement other than that she was to use the money for her expenses to Washington?—A. No other.

Q. Then, as I understand you, Mr. Cooper, there was no express agreement entered into between the lodge, or any individual Indian member of the lodge, and Mrs. Grey as to what she was to accomplish at Washington?—A. No more than what I have already stated, sir.

Q. And what you have already stated is that the subject-matter of the land money and the beet-culture business and the citizenship rights was discussed at the lodge there on March 9, and some of the Indians thought that under the conditions they ought to be represented at Washington, and that they thereupon asked Mrs. Grey how much money it would require to take her to Washington, and she said about $600, and upon the strength of that you took up a collection amounting to between $140 and $200, $25 of which was given to her that night and the balance, amounting to $160 and $140, which you took out of the treasury of the lodge, was given to her at the Northern Hotel in Billings?—A. Yes, sir.

Q. And there was another $100 that you sent to her at Washington?—A. Yes, sir. This order was shown Mr. Dalby and the letter given him in Washington. They all understood the Indians pooling expenses and recognized me as their representative.

Q. That $100 was sent under the same condition as this $25 was paid to her at the meeting of the Crow Indian lodge and the $300 at the Northern Hotel.—A. Yes, sir.

FRANK SHANE, being first duly sworn, upon examination by J. Miller Smith, esq., testified as follows:

Q. What is your full name, Mr. Shane?—A. Frank Shane.

Q. Where do you live?—A. On the Crow Reservation.

Q. Are you a ward of the Government in charge of and under the superintendency of Major Reynolds, the Indian agent?—A. Yes, sir.

Q. What tribe do you belong to, Mr. Shane?—A. Crow tribe.

Q. How long have you lived on the Crow Reservation?—A. Ever since I was born.

Q. Did you ever meet the defendant in this case, Mrs. Helen P. Grey?—A. Yes, sir.

Q. Where did you first see her?—A. At Lodgegrass.

Q. What was the occasion of your meeting her there?—A. I don't know.

Q. What was being done there at that time?—A. The time I seen her?

Q. Yes, sir.—A. I heard there was a little trouble about the agent.

Q. Were you at the lodge meeting on the last of February or about that time and again on the 9th of March?—A. I was at both of those meetings, yes, sir.

Q. What took place at those meetings?—A. Well the first meeting was a regular lodge meeting, being a president meeting.

Q. That was a regular meeting night of the lodge?—A. Yes, sir.

Q. Now tell us what was being done there by the lodge and members?—A. As far as I can remember they talked about citizenship matters and about the sugar-beet business.

Q. Anything else that you can remember?—A. That is all that I can think of.

Q. You say the lodge discussed those matters?—A. Well, they were kind of talking about it among themselves.

Q. Was there anything said about paying Mrs. Grey any money to represent you?—A. Not that I know of.

Q. You don't remember that part of it?—A. No, sir.

Q. Do you know of any money being paid to Mrs. Grey in connection with this matter?—A. Yes, sir.

Q. What money do you know of being paid to her?—A. The night of the second meeting she was paid $25 by Geo. Pease.

Q. Any other money paid to her?—A. Yes, sir.

Q. When and where?—A. On March 20.

Q. What money was that?—A. That was the lodge money.

Q. How much?—A. Three hundred dollars.

Q. Did you pay her any money yourself?—A. Yes, sir.

Q. How much?—A. Ten dollars.

Q. What for?

Mr. GROVES. If the court please, we object to that as incompetent under the complaint. It is not alleged in the complaint that this witness ever paid her the sum of $10 or any other sum.

Sustained.

Mr. GROVES. Also, if the court please, I move to strike out the previous question and answer as incompetent under the complaint in this case.

Motion granted.

Cross-examination by Mr. GROVES:

Q. You say you were born on the reservation, Mr. Shane?—A. Yes, sir.

Q. When were you born; in what year?—A. About 1860.

Q. Who was your father?—A. Peter Shane.

Q. Where was he born?—A. I don't know.

Q. Is he a white man or Indian?—A. White man.

Q. Was your mother a Crow Indian?—A. Yes, sir.

Q. Do you know when your father and mother were married?—A. No, sir.

Q. Is your mother still living?—A. No, sir.

Q. Father alive yet, is he?—A. Both dead.

Q. Did your mother during her lifetime adopt the dress of a civilized Indian?—A. No, sir.

Q. When did your father die?—A. My father died when I was about 8 years old.

Q. Did you ever learn in what State your father was born?—A. No, sir.

Q. Did you ever hear in what State he lived before he married your mother?—A. No, sir.

Q. Where did he marry her; do you know?—A. No, sir.

Q. At this meeting held near Lodgegrass about the 9th of March, was it then that Mr. Pease gave Mrs. Grey the $25?—A. Yes, sir.

Q. You don't know whether or not there was any definite agreement between Mrs. Grey and Pease and the other Indians, do you?—A. I don't know; no, sir.

Q. Did you see this $25 paid to her?—A. Yes, sir.

Q. Did you ever vote?—A. Yes, sir.

Q. Where?—A. At Crow Agency.

Q. When?—A. I don't remember when; about three years ago.

Q. How many times did you vote?—A. Just once.

Q. Do you remember at what election you voted; was it a State election?—A. I don't remember at what election it was.

Q. Do you remember who the agent was when you voted?—A. Charley Edwards, Johnny Edwards.

S. G. REYNOLDS, being first duly sworn, on oath, upon examination by J. Miller Smith, esq., testified as follows:

Q. What is your full name, Major Reynolds?—A. Samuel G. Reynolds.

Q. Where do you live?—A. Crow Agency, Mont.

Q. What official position, if any, do you hold under the Government of the United States?—A. United States Indian agent.

Q. Over what reservation?—A. Crow Reservation.

Q. And you are in charge of the Crow Reservation as such agent?—A. Yes, sir.

Q. How long have you held that position, Major?—A. Five years ago the 1st of this month.

Q. Are you acquainted with the witnesses who have testified here this afternoon—Frank Shane, Joe Cooper, George Pease?—A. Yes, sir.

Q. Are you acquainted with the other Indians mentioned as being present at the meeting of the Crow Indian lodge?—A. Yes, sir.

Q. You may state whether or not those witnesses are citizens of the United States.

Mr. GROVES. If the court please, we object to that as calling for a conclusion of the witness. The question of citizenship is a question of law to be determined by the court.

Overruled; exception.

A. They are not citizens.

Q. You heard the names of the other Indians mentioned by the witnesses Cooper and Pease.—A. Yes, sir.

Q. Were those Indians citizens of the United States?—A. One Indian was a citizen.

Q. Are these Indians wards of the Government and under your charge and superintendency as Indian agent?—A. Yes, sir.

Q. Do they live there on the Crow Reservation in tribal relations?—A. Yes, sir.

Cross-examination by Mr. GROVES:

Q. What other Indians did Mr. Pease mention, Mr. Reynolds?—A. He mentioned Packs his Hat.

Q. Who else?—A. Yellow Brow.

Q. Who else?—A. Frank Shane.

Q. Who else?—A. Joe Cooper and Holds his Enemy.

Q. Did he mention any other?—A. He mentioned six, if I have mentioned that many.

Q. Spotted Rabbit?—A. Yes, sir.

Q. Which one of those are citizens?—A. Holds his Enemy.

Q. How do you determine that he is a citizen of the United States?—A. Because he has a patent for his lands.

Q. You say that Joe Cooper is not a citizen of the United States?—A. He is not.

Q. And George Pease is not a citizen either?—A. No, sir; he is not.

Q. Upon what do you base that statement?—A. Because they have not yet received patents to their lands.

Q. Has not land been allotted to these Indians?—A. It has been selected by them and the schedules have been made.

Q. Have you a copy of the schedules with you?—A. No, sir; they are not in my possession.

Q. Have you any records in your possession showing the lands allotted to Joe Cooper and George Pease?—A. I have a plat of selection.

Q. Is that the only record which you have?—A. I have no official record from Washington.

Q. Who prepared that plat for you?—A. The allotting agent.

Q. Who was he?—A. John K. Rankin.

Q. Do you remember when he prepared it?—A. Not exactly; last fall some time, perhaps in October or November.

Q. May I see that plat [counsel examines plat]?

Q. When did Mr. Rankin commence this work; do you know?—A. He began the work in 1901. He commenced making the allotments in 1901, and he finished the allotments—I can't give you the exact date, but I think in the fall of 1906.

Q. What time in 1906?—A. I wouldn't be certain, but I think in August or September.

Q. Do you remember when Mr. Cooper made his selection?—A. No.

Q. Do you know how long Mr. Cooper has been in possession of his land?—A. No. They made selections years, some of them, before they were allotted. They were not allotted until 1901. It commenced and lasted five years, until the fall of 1906.

Q. Do you know whether or not Mr. Cooper had been in possession of any portion of his land for several years, and has been living on it?—A. He has been living on the land; yes, sir.

Q. Do you know how long?—A. No; I do not.

Q. Do the records of your office show when he made his selection?—A. It would not.

Q. Do you know under what act of Congress he made his selection?—A. I do not think there was any specific act of Congress regarding those lands, it was simply an office regulation.

Q. Were any allotments made previous to this last allotment which commenced in 1901 and lasted until 1906?—A. They allotted the Indians once or twice before, and

under those allotments an Indian was allowed to retain his land if he wished to, but it had to be reallotted.

Q. As a matter of fact, these allotments were made under the act of 1882, were they not?—A. No; I don't think these last were.

Q. Are you familiar with the treaty of 1882?—A. No; I am not. I think that the Crow agreement to the ceded strip also provided for the allotting of lands in severalty.

Q. As a matter of fact, it was intended for Indians who had previously selected lands on the ceded strip, was it not?—A. I forget just how the treaty reads regarding the allotting of land.

Q. Then you wouldn't be able to state about that ?—A. Not positively.

Q. Do you know when this land was allotted to Mr. Pease?—A. No; I do not.

Q. The records do not show that?—A. I have not got the records. The records have not yet been returned from Washington.

Q. You have in your possession a book known as the Crow land book?—A. It is not completed for this allotment.

Q. What is the nature of that book?—A. That governs the lands allotted on the old ceded strip and the selections. The book that we got does not give the allotting done from 1901 to 1906.

Q. Do you know whether or not any land was allotted to either Mr. Cooper or Mr. Pease not on the reservation where they are now?—A. There were no allotments made prior to 1901 that held.

Q. What do you mean by that?—A. Everything had to be reallotted.

Q. Can you take this plat, Major, and give us the description of the land Mr. Pease has selected and has been holding?—A. I could not read the description of it.

Q. Can you tell us what section it is in, giving the township and range?—A. I could not; I never read a land description in my life.

Q. [Illustrating on plat.] That is section 33, township 7 south, range 33 east, containing 160 acres.—A. Yes, sir.

Q. Does Mr. Pease hold any other land on the reservation?—A. He is entitled to 320 acres.

Q. And you have described 160 acres, the southwest quarter of section 33. Now, from these plats, can you tell what other land Mr. Pease has on the reservation?—A. The other 160 acres is located in section 4, township 8 south, range 33 east.

Q. Making in all 320 acres.—A. Yes, sir.

Q. Now, what land has Mr. Cooper allotted to him; do you know how many acres he has?—A. He has 320 acres. In sections 1 and 2 in township 7 south of range 32 east.

Q. Do you know when these allotments were made?—A. No, sir, I don't; I have no record.

Q. You don't know who the Indians were that attended this meeting of the Crow Indian lodge on March 9, do you?—A. No, sir.

Q. Weren't you there?—A. No, sir.

Q. Didn't you fall into the creek that night?—A. No, sir.

Q. Did you ever attend any meeting of the lodge, Major, when Mrs. Grey was there?—A. No, sir.

Q. Did you learn of any money being raised at the meeting?—A. Not at the time, I did not.

Q. When did you first learn of it?—A. I can't give the date I learned of it.

Q. About how long after the money was raised?—A. I don't know that I had any definite knowledge of it.

Q. At whose suggestion was this complaint sworn to, Major?—A. It was not mine.

Q. Did you know of a complaint of this kind being requested from the district attorney?—A. I did.

Q. When did you first learn of that?—A. Those matters were talked over when we had gotten the evidence and reported that the money had been paid.

Q. When did you first learn of this evidence?—A. I think some time in June. I think about the 9th or 10th.

Q. The 10th of June, you say?—A. About that time; yes, sir.

Q. Did you know where Mrs. Grey was at that time?—A. Not positively.

Q. Have any idea where she was at that time?—A. I think in Sheridan.

Q. You didn't make any effort to get a warrant in June, did you?—A. No, sir; I did not.

Q. When did you first learn that this meeting of the Crow Indian lodge on March 9 had been held?—A. I think probably two days before it was held.

Q. Two days before?—A. Yes, sir.

Q. Did you know the purpose for which it was being held?—A. No, sir; not at that time.

Q. When did you learn of the business that had been transacted at that meeting?—A. In a general way, probably the next day.

Q. Did you learn at that time that certain matters had been discussed relative to certain conditions of affairs on the reservation?—A. Not positively.

Q. Did anybody tell you that such discussion had taken place at that time?—A. I had no definite information.

Q. Did you hear it rumored, did anybody tell you, that something had taken place?—A. There wasn't anybody that gave me any facts.

Q. What did they give you?—A. Well, I knew that my Indians were having a meeting there; I knew that.

Q. Did you know who attended there at that time?—A. No, sir.

Q. Did you know that Mrs. Grey was there?—A. By rumor.

Q. Did you arrest her on the reservation the next day?—A. I did.

Q. Put her off that time?—A. I did.

Q. That was because some disturbance had been going on among the Indians as you thought?—A. Yes, sir.

Q. Do you remember of the occasion of arresting several Indians at Sheridan last spring some time?—A. I didn't arrest any Indians at Sheridan.

Q. Cause any Indians to be arrested at Sheridan?—A. I sent officers to apprehend them.

Q. Apprehend them at Sheridan, did they?—A. They did.

Q. How many?—A. Six.

Q. Do you remember who they were?—A. I do.

Q. Can you give the names?—A. They were Joe Cooper, Frank Shane, Yellow Brow, Packs the Hat, Spotted Rabbit, and Holds his Enemy.

Q. Do you know where these Indians were going?—A. Not positively.

Q. Have you any information as to where they were going?—A. I had an idea as to where they started for.

Q. As a matter of fact you thought they were going to Washington, didn't you?—A. Yes, sir.

Q. You say one of those Indians is a citizen of the United States—Packs the Hat?—A. No, sir; Hold his Enemy is a citizen.

Q. Did those Indians have any money on their person at the time of their arrest?—A. Not to my knowledge.

Q. Who apprehended them?—A. A. A. Campbell and Frank Biggers.

Q. Do you know whether or not Mr. Campbell took any money from them at that time?—A. He said he did.

Q. Do you know how much?—A. There was a memorandum at the office of the different amounts taken from each of the Indians.

Q. You don't remember how much?—A. I haven't the memorandum.

Q. Can you give us an estimate of about how much?—A. It was nearly $1,000; perhaps more.

Q. Do you remember in what month those Indians were apprehended at Sheridan?—A. It was in March.

Q. About a week after this Crow Indian lodge meeting held at Lodgegrass?—A. Yes, sir.

Q. These Indians whom you have named as being apprehended at Sheridan, were they leaders in that lodge meeting held at Lodgegrass on March 9, or alleged to be leaders in that meeting?—A. They all said they were there.

Q. And alleged to be the leaders?—A. I don't understand that they were alleged to be the leaders.

Q. They were taking a very active part in what was being done?—A. I presume they were.

Q. Did you put Mrs. Grey off the reservation, or simply tell her to go?—A. She left the reservation in my custody; I took her to the Wyoming line.

Q. On the railroad?—A. Yes, sir.

Q. Did you leave her there?—A. She went on to Sheridan.

Q. Do you know where Mrs. Grey was the day after these Indians were apprehended at Sheridan?—A. No, sir.

Q. Do you remember of being in Billings the next day or a short time afterwards?—A. Yes, sir; I was in Billings.

Q. Do you remember the occasion of your visit to Billings at that time?—A. Yes, sir.

Q. What was it?—A. I came in to attend to reservation matters pertaining to appointment of guardian.

Q. Did you see Mrs. Grey at that time?—A. Yes, sir.

Q. Where did you see her?—A. Northern Hotel.

Q. Did you have any talk with her at that time regarding the Indians that had been arrested at Sheridan?—A. I think so.

Q. What was the substance of that conversation?—A. Mrs. Grey was talking about the Indians, and thought a mistake had been made in putting them in jail. I think she told me at that time that she wouldn't do anything more about taking the Indians to Washington.

Q. Were the Indians then released?

Mr. SMITH. If the court please, I object to this line of examination. It is wholly immaterial and taking up lots of time.

Sustained; exception.

Government rests.

Mr. GROVES. If the court please, at this time the defendant moves that she be discharged from the custody of the marshal and allowed to go hence, for the reason that the evidence does not show or tend to show that there is probable cause to believe the defendant guilty of any of the offenses charged in any of the counts in this complaint for the following reasons:

1. For the reason that it does not appear that the defendant received any money from any Indian not a citizen of the United States, but that it affirmatively appears from the evidence that each person from whom the defendant received any money as charged in the complaint was a citizen of the United States.

2. For the reason that the evidence does not show or tend to show that the defendant received any money from any Indian pursuant to a contract relative to their lands; but that the evidence affirmatively shows that the money so received by the defendant was not received pursuant to any contract, but was simply a donation on the part of the person giving it.

Motion denied; exception.

No defense to offer.

The COURT. In the case of The United States of America *v.* Helen Pierce Grey the court finds from the evidence that there is probable cause to believe the defendant guilty of the crime as charged in the complaint; and

It is therefore ordered that the said defendant, Helen Pierce Grey, be held to appear and answer at the next term of the Federal court to await the action of the grand jury, and bail is fixed in the sum of $1,500.

EXHIBIT GREY No. 38.

[Circular No. 57.]

CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY,
OFFICE OF THE SUPERINTENDENT,
Sheridan, Wyo., December 16, 1907.

All trainmen and agents in Montana:

It has been reported that smallpox is now prevalent on the Crow Indian Reservation, and in order to maintain quarantine and prevent the spread of disease it is directed that no Indian or Indians from any point on the Crow Agency be accepted for transportation by our road except when such Indians present a regular certificate from the Indian agent of the Crow Indian Reservation granting such Indians permission to leave the agency.

D. P. BRACKEN, *Superintendent.*

It is not necessary to ask or say where this came from; it is the official document called for by the Indian agent.

EXHIBIT GREY No. 39.

APRIL 25, 1907.

MY DEAR MR. REYNOLDS: I have given to Mrs. Helen Pierce Grey, of Sheridan, Wyo., a letter of courtesy, reading as follows:

"The bearer, Mrs. Helen Pierce Grey, has asked permission to visit the Crow Reservation in Montana, for the purpose of attending some ceremonial dances of the Indians, and it is my wish that she be accorded by the authorities of the reservation every proper courtesy in the premises."

I send this notice to you to save any possible friction, if she appears on the reservation for the purpose mentioned and without first presenting herself to you. Also, I feel that you ought to know of any authorization issued by the Indian Office which affects your jurisdiction.

Sincerely yours,

F. E. LEUPP, *Commissioner.*

SAMUEL G. REYNOLDS, Esq.,
U. S. Indian Agent, Crow Agency, Mont.

CROW INDIAN RESERVATION.

EXHIBIT SNIFFEN NO. 1.

INDIAN RIGHTS' ASSOCIATION,
Philadelphia, March 13, 1908.

DUBOIS MILLER, Esq.,
hairman Standing Committee, etc.

DEAR MR. MILLER: I greatly regret that owing to a severe cold, which obliged ... be absent from the office for a time, I have been delayed in presenting to you rt of my visit to Montana. This I now submit.

he meeting of the executive committee, held on January 8, 1908, the following n was adopted:

hat Mr. Sniffen, under direction of the standing committee, go to Helena, Mont., also, if it appears to him to be advisable, to the Crow Reservation, for the pur- of obtaining such information as may be secured regarding conditions there."

eceived further verbal instructions from the standing committee, in accordance the foregoing resolution, directing me to render any assistance that might be d of me by the Federal grand jury, and also to visit the reservation with a view ertaining whether certain information brought to our attention had any founda- n fact.

or to my departure Mr. Binney wrote to Secretary Garfield, under date of Jan- 10, as follows:

our letter of December 13, addressed to the association, referred to the fact grand jury, in session at Helena, was going very fully into the entire matter ... w Indian Reservation. In this connection I desire to say that the occasion ...d a timely one for an attempt by this association to obtain evidence as to ters covered by the charges that have been made. Mr. Matthew K. Sniffen is efore about to visit the reservation for this purpose, as well as to go before the d jury, in case his presence is desirable. Mr. E. M. Wistar may possibly accom- ny him if his business engagements permit."

To this letter the Secretary replied, on January 11, 1908:

"I have your letter of the 10th and notice the action of your association regarding the investigation of the Crow Indian Agency, now pending before the grand jury at Helena."

I reached Helena January 18, 1908. T. J. Walsh, esq., a well-known attorney of that place, assuming that the Unitd States district attorney, Mr. Carl Rasch, as prosecutor, desired to avail himself of all opportunities for securing information that might be of service to the grand jury, requested that he (Mr. Rasch) give me a letter, in his official capacity, which would facilitate my movements on the reservation. This Mr. Rasch declined to do. On the following Monday (January 20) Mr. Walsh appeared in court before Judge Dietrich (Judge Hunt, who ordered the grand jury to make the investigation, having been transferred to Oregon to preside over a land case in that district) and asked that an order be granted that would facilitate my plan to visit the reservation for the purpose of obtaining any data that would aid the grand jury in its work. Judge Dietrich stated that as he was not cognizant with all the facts in this case he would leave the question of giving such an order to the Federal district attorney. Mr. Rasch, however, did not act favorably on the motion.

Learning that Agent Reynolds was expected in Helena to appear before the grand jury, I deferred my visit to the reservation until I could have an opportunity to confer with him on the subject. He arrived there on January 21, 1908. I told Mr. Reynolds what I was sent out to do by your committee. Assuming that he would not be hostile to my proposed visit when its purpose was explained to him, I asked him to suggest any people whom he thought I ought to see or places that I should visit; that I wanted to obtain all the information available, from whatever source, and desired to look into the matter from all points of view. He began by saying that he would have to take the matter under advisement; that had I come out a year ago, or six months ago, he would have been glad to see me and afford me every opportunity for going about that I would want. Now the situation was different. He further said if I would wait until the case was disposed of by the grand jury he might then ask me to go down to the reservation with him, but now he did not care to have me go. He spoke about having been obliged to arrest certain people for going on the reservation—"hobos" he called them—and putting them off. I asked him if I would be considered a "hobo," and whether I would be arrested when I got to the reservation. He said, "There will be no doubt about your being arrested, but I will see to it that you are treated right, and not turned off at midnight."

I stated to Mr. Reynolds that I had planned to start for Crow Agency on the evening of January 20, but when I learned that he was to be in Helena the following day I *decided to wait* and see him personally, as a matter of courtesy, so that it could not be *said that I waited* until he left the reservation before going there myself. I also told

Mr. Reynolds that your committee had notified the Secretary of the Interior of the fact that I was to visit Helena and then go to the reservation; that he had acknowledged the receipt of that letter, but raised no objection to the plan. When asked if the Secretary had informed him of my intention, Mr. Reynolds answered negatively.

I told Mr. Reynolds that my instructions were such that I was bound to go to the reservation and to actually make the inquiry, if possible. As a matter of precaution, however, I wired your committee of Mr. Reynolds's objection, stating that I would go to the reservation unless otherwise directed. I received a reply advising me to "go ahead, but be careful."

After my interview with Mr. Reynolds, Mr. H. G. Pickett, the foreman of the grand jury, was informed of the situation. He asked me to wait until I could be summoned to appear before the jury and bring the matter up for their consideration. Mr. Pickett remarked: "If those people are honest I should think they would welcome any investigation." On January 23 I appeared before the grand jury. I explained to them that I had been sent to assist them, and was willing to go on their behalf to the reservation if they desired me to do so; but if they did not see their way clear to do so I was under directions to go any way. I also explained that I had informed Mr. Reynolds of my intention, and stated what the result was likely to be. The jury did not formally ask me to go on their behalf, but the foreman stated that they would be glad to have any information I might secure; that after the first move the air would be more clear. However, at the jury's request, the district attorney explained the scope of the inquiry and indicated the nature of the evidence that would be of assistance to them in this matter; that they wanted information relating only to criminal acts, and not to purely administrative acts. The jury further asked me to advise them of the result of my trip.

I left Helena on the night of January 23 and reached Crow Agency about 2 o'clock p. m. the following day. I went at once to the office and presented my card to Mr. Fred E. Miller, the clerk. He greeted me pleasantly, stating that he had received one letter from Agent Reynolds informing him of my proposed visit, and also a telegram advising him of a second letter on the subject. He asked me to wait until he sent to the station for this later letter before taking up the matter. He said, relative to the first letter, that Mr. Reynolds told him I was a gentleman and should be treated as such. The second letter soon arrived and Mr. Miller read it over several times. He then told me that Mr. Reynolds wrote that if I wished to remain personally to afford me every courtesy, but I was not to be permittted to go out on an investigating tour—or words to that effect. Mr. Miller evidently wished to leave the matter in that indefinite shape, but I reminded him what my instructions were, and that if I remained on the reservation I proposed to carry out those instructions unless interfered with. I also stated that he had his instructions from his superior and it remained for him to decide what action to take; that he could not deal with me personally until my official status was disposed of. I said, in substance, that it was necessary for us to know positively whether or not I could make any inquiry upon the reservation.

After consulting the United States Statutes, Mr. Miller concluded that my presence would, under present conditions, be a menace to the peace and good order of the reservation. To remove the matter from any question in the future, I requested Mr. Miller to reduce his order to writing. He then prepared and handed me the following letter:

"DEPARTMENT OF THE INTERIOR,
"U. S. INDIAN SERVICE,
"*Crow Agency, Mont., January 24, 1908.*

"Mr. MATTHEW K. SNIFFEN,
"*Indian Rights Association, Crow Agency, Mont.*

"SIR: In view of your now being upon the reservation with the expressed determination of investigating matters relating thereto, after having been refused an order to do so by the Hon. Frank S. Dietrich, judge of the Federal court, and also having been refused permission to do so by Agent Reynolds, I have the honor to advise you that you are under arrest and you are directed to leave the reservation at your earliest convenience, my action being directed under orders from Agent Reynolds.

"Very respectfully,

"FRED E. MILLER, *Clerk.*"

I then gave Mr. Miller my word, in response to his query on the subject, that I would not then, under the circumstances, attempt to do any investigating during the interval before train time. When my official status was disposed of, Mr. Miller did all he could to make my brief stay on the reservation agreeable; in fact, our relations throughout were very courteous. I left the agency that evening on the 10 o'clock train for Billings, and then returned to Helena.

Although the result of my visit, after the interview with Mr. Reynolds, seemed to be a foregone conclusion, I could not, under my instructions, remain at Helena and regard his refusal as final without making an attempt to go over the reservation; and in view

of the fact that there was so much misunderstanding as to what actually took place between Inspector Dalby and Mr. Brosius, when the latter went to the agency last July, it was very desirable that I should not abandon the attempt to procure information unless positively compelled to do so. Before I left Helena Mr. Reynolds said he would consult Inspector Dalby on the subject, and for all I knew this might have put an entirely different aspect on the matter. I could not be sure that Mr. Reynolds would prevent me from making the contemplated inquiry on the reservation until I actually went there and announced my intention.

Had there been no interference, however, I was prepared to go over the ground in a quiet, discreet manner. I had with me an extended list of witnesses whom I proposed to interview regarding matters with which the grand jury was dealing, but I had no opportunity of seeing them.

Very truly, yours,

M. K. SNIFFEN.

EXHIBIT SNIFFEN, No. 2.

INDIAN RIGHTS' ASSOCIATION,
Philadelphia, March 17, 1908.

Hon. R. L. OWEN,
Senate Chamber, Washington, D. C.

DEAR SIR: The Indian Rights' Association earnestly protests against the confirmation of Z. Lewis Dalby as Indian inspector, on the ground that he is unfit by temperament to hold such an important position. The reasons which lead us to this conclusion are fully set forth in the inclosed copy of a letter sent by our committee to the Secretary of the Interior under date of November 6, 1907.

It should be noted on the occasion of our committee's conference with Secretary Garfield, Inspector Dalby, who was also present, denied, under oath, that he had lost his temper at a gathering of the Indians, as charged by us, but stated, in substance, that he had used the profane phrase "deliberately" and "for the sake of emphasis," explaining to the Indians that was the white man's way of emphasizing his meaning. Affidavits have been filed by us with Hon. M. E. Clapp to the effect that on the occasion in question Mr. Dalby did lose his temper, shook his fist at one Joe Cooper, and called him a "G— d— liar."

As a further indication of Mr. Dalby's unfitness, I would call your attention to his action in connection with the recent attempt of a Federal grand jury at Helena, Mont., to investigate conditions alleged to exist on the Crow Reservation. Although there ostensibly as a witness, or representative of the Interior Department, Mr. Dalby's attitude was rather that of a prosecutor. Two witnesses who had been summoned to Helena to testify had this brought to their attention very forcibly, for after they had been excused by the grand jury and the district attorney's office Mr. Dalby held them in that city arbitrarily subject to his own pleasure.

With respect to Mr. Dalby's officiousness, I submit the following excerpt from the Independent, Helena, Mont., February 11, 1908:

"Mr. Johns, the clerk of the grand jury, is authority for the statement that Mr. Dalby assumed the position of 'attorney for the defense' in the case of Major Reynolds, and as 'prosecuting attorney' in the case of Mrs. Grey. Mr. Johns says that Mr. Dalby appeared before the grand jury and informed the members that it was their duty to indict Mrs. Grey."

Trusting that you will use your influence to prevent Mr. Dalby from being continued permanently in so important a position as Indian inspector, I am,

Respectfully, yours,

M. K. SNIFFEN,
Secretary Indian Rights' Association.

INDIAN RIGHTS' ASSOCIATION,
Philadelphia, November 6, 1907.

Hon. JAMES RUDOLPH GARFIELD,
Secretary of the Interior, Washington, D. C.

DEAR SIR: In compliance with your request, after the hearing which you accorded us on Wednesday last (October 30), Mr. Binney, president of the Indian Rights' Association, carefully studied Mr. Dalby's report (most of which he had already seen in an accurate copy) and he finds the treatment of the several subjects deserving of comment, as follows:

A peculiar characteristic of the report, as of Mr. Dalby's letters in connection with *the matter, is his* uniform condemnation of everyone on the reservation whom he

refers to as making statements contrary to the conclusions which he (Dalby) has reached. Thus, on page 8, he says: "Peters has the general reputation of being a scoundrel and nobody who knows him will trust him or believe him."

Similarly Dalby's letter of July 14, 1907, says: "Joe Cooper is a worthless and disreputable half-breed," and the letter of July 15, 1907, also refers to Doyle as "worthless and disreputable."

Equally sweeping are many of the criticisms of Mr. Burgess, e. g., that "he has not the force of character to exercise upon the Indians any positive and direct influence for their good when they show inclination to discontent, but he is always influenced and swayed by them instead, regardless of whether they are right or wrong." (P. 70.)

In this connection, the sweeping statements as to the immorality of the Crows (e. g., that "virtue does not exist" among the women) may be referred to as going beyond any knowledge that Mr. Dalby's brief stay among them could possibly give.

Such broad generalizations indicate the opposite of a judicial mind, and undoubtedly lessen the credence that might otherwise be given to the report.

One of the important charges was that Mr. Heinrich had more cattle on the range than he should have had. The report states that this matter "could hardly be determined without investigation on the range" (p. 8, line 4), but apparently no such investigation was made, certainly none in regard to former years. Mr. Dalby received Heinrich's own statement of the number of cattle then on the range, which statement he (Dalby) accepted as "fair and approximately correct," on the strength of his "observation upon the ground" and his "inquiries generally." It does not appear who furnished the response to these general inquiries; but as to Mr. Dalby's own observation, he states (p. 8) that "Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle." Now, Heinrich must have known that he was being investigated, and it is entirely possible that he may have shifted his herds in spite of all Mr. Dalby's precautions. If Heinrich was the kind of a man who would exceed his grazing rights, he would certainly use every effort to post himself in regard to an inspector's probable movements.

On page 9, last five lines, the report refers to Leider's information as to Heinrich's payments to various Indians for grazing rights, but states that Mr. Dalby received this information too late to verify it by inquiry of the Indians themselves. This fact makes Leider's memorandum book of little value, and "the absence of complaint by the Indians" as to this matter would only be conclusive on the assumption that they confided fully in Mr. Dalby, and did not fear to tell him all they knew.

On page 18 Mr. Dalby states that the Indian Office had advised the agent under date of April 7, 1905, that the Indians should sell their hay "in the open market." He reasons that this was impracticable because the distance from the railroad rendered the cost of transportation to an "open market" prohibitive. In consequence, he states, "the agent took the matter up with Mr. Bair and a number of other sheep men," and finally made a certain arrangement with Mr. Bair. It is unfortunate that the report fails to state what other sheep men the agent consulted, and that no inquiry seems to have been made among these sheep men themselves. If an "open market," in the strict sense, was impracticable, the agent should at least have given all possible publicity to the transaction, inviting bids from as many persons as possible, so as to prevent any chance of Mr. Bair's securing an unfair monopoly. All this may have been done, but the report is too meager on this point to be convincing, in view of the intimate friendship which we believe is not denied to exist between Mr. Bair and the agent.

On pages 39 to 57 the report deals with various matters in regard to the management of the agency, and makes a number of recommendations which seem desirable; but the treatment of the illegal trading carried on by Mr. Miller (p. 55) seems to underestimate the seriousness of the offense. We submit that it is much more than a technicality. The report gives Mr. Miller a certificate of good character, although, in reporting with regard to Mr. Burgess, Mr. Dalby admits that he declined to reinvestigate the charge of immorality against Mr. Miller, which charge Mr. Burgess believed should be reinvestigated.

The report passes very lightly over the charges of harsh treatment of the Indians by the agent. It is unfortunate that these charges were made by a woman whose accuracy may be open to doubt, but as Mr. Dalby found it necessary to suggest a number of reforms in regard to matters to which she had called attention, it would seem reasonable that in dealing with the charge of harsh treatment the report should dwell more upon specific facts, as distinguished from Mr. Dalby's opinion.

A very unsatisfactory feature of the report is the recommendation for Mr. Burgess's removal. The tone taken in regard to him seems to be nothing less than vindictive. It is submitted that Mr. Burgess's twelve years residence and work among

the Indians, and his apparently unimpeachable character, deserves some consideration; and it is simply astounding that Mr. Dalby should "recommend that the American Missionary Association be requested to withdraw Mr. Burgess from the Crow Reservation," without any suggestion that an opportunity be first given him to be fully heard in his own defense, after notice of all that Mr. Dalby alleges against him, and with an opportunity to procure such testimony as he may desire.

As to Mr. Dalby's statements in regard to Mr. Brosius, made in that portion of the report which relates to Mr. Burgess, you have heard the statements of both, and will be able to reach your own conclusions as to the points on which these statements differ.

So much for the specific criticism of portions of the report, much of which was already familiar to some of our executive committee in copies furnished by our Washington agent, through the courtesy of your Department.

But we should be unjust to you and to ourselves if, in view of the opinion which we hold, we limited our criticism of this subject to the points above mentioned. Your frank and courteous treatment of our committee necessitates our being equally frank in the expression of our opinion upon this important subject, for it is only by honestly stating just what we think that we enable you to see our point of view, and to see all sides of the question.

Five members of our executive committee had the opportunity of seeing and hearing Mr. Dalby and of judging, by his own statements and demeanor, of his fitness for the delicate task assigned to him. We are unanimously of the opinoin that he shows himself, by his own confession, utterly unfit for the task to which he was assigned. What his previous qualifications may have been we do not know, beyond the statements you made that he had been your priyate secretary and that you had entire confidence in him. We do not doubt that in that capacity he was worthy of your entire confidence and that he is admirably fitted for any similar position, but we respectfully remind you that the position of an inspector of an Indian agency, upon whom devolves the duty of determining the truth or falsity of the charges which he is sent to investigate, requires qualities of a very different order. The office is essentially a judicial one. The inspector has on the one hand an agent with practically autocratic power, and on the other a semicivilized and almost subject race. The relative positions of the parties to the controversy makes it at best a difficult matter to obtain evidence against the administration. The man who essays the rôle of judge, under such circumstances, needs not only the judicial temperament, a cool head and impartial judgment, but such a manner and bearing as will inspire confidence and tend to draw out, not only the blatant and noisy volunteer, but the shy and modest witness whose testimony, when elicited, may be the most important. Measured by such a standard, we submit that Mr. Dalby is conspicuously a failure in this position. We need appeal to no proof but such as he himself furnished. No other person could more graphically have depicted the scene at Lodgegrass, where, without any provocation, he swore at one of the first witnesses, and asserted that he did not believe him; and his explanation to the Camp Indian, who took him to task for the use of such language, sounded to us both lame and inadequate, to say the least.

The position of an Indian agent is necessarily one of great power, and if he be willing to abuse that power he can easily terrorize any Indian who undertakes to oppose him in any way. Hence no Indian is likely to give any evidence implicating an agent unless such Indian fully trusts the investigator and believes that he will protect him against the agent's resentment. Unless such trust exists, the Indian will take refuge in silence. In the present case, the inspector practically admits having lost the confidence of the Indians, but he claims to have afterwards regained it. Now, it is well known that the Indians are very slow to give their confidence again after once withdrawing it, and Mr. Dalby's own statement indicates a temperament which, to say the least, does not invite confidence. Such an unfortunate "mistake," as Mr. Dalby himself characterizes it, might possibly, after a long time, be lived down and forgotten, but it is not within the bounds of possibility that it should be either forgotten or minimized in the few remaining weeks of Mr. Dalby's stay upon the reservation.

What, then, is the value of the report which he has made? Well written, it may be; honestly compiled from the evidence submitted to him it may be, but absolutely without reliability it certainly is; for by his own act he had cut himself off from the sources of information. The fact that he conversed with 80 per cent, or any other number, of the adult male Indians on the reservation means nothing unless there is reasonable ground to suppose that he really got at their whole mind. We have every reason to believe the contrary.

We recognize the gravity of the case and the objection to creating any unrest on the *reservation by* another investigation so soon upon the heels of the last, and yet we

sincerely believe that in the interest of the Indians, which we are convinced you have at heart, it would be better to endure that for a season rather than to permit these Indians and the whites in or near the reservation to believe that the Department is willing to accept as final a report based upon such inconclusive evidence. If it is true that there is little or nothing to correct, no harm can come to anyone, but a temporary unrest, while the restoration of confidence in the absolute justice of your Department will far more than counterbalance it. These Indians seem to have confidence in our association. We will gladly render any service to your inspector that is within our power, if our agent is afforded an opportunity of conferring with those who make complaints. If the inspector is such a one as possesses the qualifications which must be recognized as essential, he will be competent to determine the truth or the falsity of the charges when he has heard the evidence. We are sure that such a man is in your service, and we feel that in a matter of this importance the best can be none to good. We must frankly admit that we can not now present any positive evidence to contradict the conclusions of the report (the circumstances of the case having made it impossible for us to pursue our own inquiries), and that we do not know upon what offer of evidence a petition of certain Indians, recently made, as we understand, for a reinvestigation is based; but we submit that in the present case such evidence ought not to be held an indispensable preliminary, and we therefore again respectfully urge upon you the importance and the wisdom of sending out the best man in the service to restore confidence and elicit the facts.

We can not close without thanking you for the courtesy with which you received our committee, and the patient hearing which you gave to them.

We are, with great respect, very truly, yours,

CHARLES C. BINNEY.
HERBERT WELSH.
E. M. WISTAR.
MATILDA MARKOE.
EDWARD T. CHILD.
CARL E. GRAMMER.
MARIE M. COXE.
M. K. SNIFFEN.
N. DUBOIS MILLER.

EXHIBIT SNIFFEN NO. 3.

INDIAN RIGHTS' ASSOCIATION,
Philadelphia, March 18, 1908.

Hon. M. E. CLAPP,
Chairman Committee on Indian Affairs, Senate Chamber.

DEAR SIR: I inclose herewith a protest, with the names of 142 Crow Indians attached, against the bill of Senator Dixon (S. 2963) to open the surplus land on their reservation in Montana. These Indians also protest against the bill (S. 2087) which proposes to have the Crow tribe form a corporation for the purpose of breeding horses.

I understand that the proceedings of a so-called "council" on the Crow Reservation, held last month, have been forwarded to the Department of the Interior, presumably as showing the attitude of the Indians toward the bills in question. This gathering was attended by about 75 Indians, part of whom came by invitation of the agency officials and the others of their own accord. I do not know what the proceedings will attempt to show, but it is certain that the few Indians who attended did not commit themselves to the proposition, but asked that a delegation be allowed to visit Washington to confer with the "Great Father" on the subject. Authority for such a visit was asked for and granted, and a delegation of six Indians was chosen.

On behalf of the Crow Indians I desire to protest against this delegation or the so-called council proceedings being recognized as the action of the tribe. As a matter of fact, there was no general council, and a large majority of the Indians knew nothing of the meeting at the agency. I was in Montana at the time, near the reservation, and know whereof I speak. For instance, Hides wired me to Helena, on February 8, 1908, from the Pryor district:

"Plenty Coos, Bellrock, and Oldcrane called to Crow Agency. Someth ng wrong."

Another one of the Indians at Lodgegrass, hearing incidentally that there was to be a meeting, wired to Dave Stewart, a member of the tribe, for information. Stewart telegraphed in reply, on February 11, 1908: "Yes; holding council to-day and to-night."

Joseph Martinez, also a member of the tribe, wired from Crow Agency, on February 12, to *Talking Pipe, Lodgegrass*:

"Council to-day. Have Knows His Coose, Packs the Hat, Bear Claw, Bright Wing, and Dont Mix come at once."

These telegrams clearly show that no effort was made by the inspector or agency officials to hold a general council. Had the Indians known of it there would undoubtedly have been a really representative gathering to listen to Inspector McLaughlin's explanation of the bills.

According to the decision of the United States Supreme Court in the Lone Wolf case, Congress undoubtedly has the right to dispose of any surplus reservation land, but the court assumes that in exercising that power the Indian will be fairly dealt with. If, therefore, it is considered necessary or desirable that the consent of a majority of the Indians should be secured to any proposition of this nature (as provided in the original treaties), then the effort ought to be made honestly, and a general council held, of which due notice should be given to all the adult male Indians. It is evident that the Department, in sending Inspector McLaughlin to secure the Indians' consent—nominally, at least—still believes that it is wise to respect the original treaty provisions, although the Indians assert that the inspector told them that Congress would open the lands whether they agreed to it or not.

I can not believe that, when the facts are known, Congress is willing to accept a partial and incomplete proceedings as an expression of the entire Crow tribe.

Indians who were present at the so-called council charge that when anyone spoke in favor of the bill his words were reported stenographically, but if some one spoke in opposition to it the stenographer's hand was motionless. An examination of the record of this proceeding will show this. They also charge that the selection of the delegation to visit Washington was dominated by the minority and does not represent the sentiment of the tribe. One of the delegates originally named, Horace Longbear, has since been eliminated by the agent, although, it is claimed, he was told by Inspector McLaughlin that he would go to Washington. (See accompanying letter from Agent Reynolds and protest from the Indians—Exhibit B.)

As to the horse-breeding proposition (S. 2087), the Indians feel that to set aside the 350,000 acres of tribal land, as authorized by the bill, would be of no benefit to them, but would be the means of allowing special grazing privileges to alleged favored stock men, especially in the event of the balance of the reservation being opened. They also feel that the horse-breeding proposition would not be any more successful, under present conditions, than was the management of their herd of cattle, of which but little now remains.

Doubtless a reasonable plan to open a portion of the surplus land would be accepted by the Indians if properly presented to them. It would seem that whatever is done should be in accordance with the wishes of a majority of the tribe, but thus far it would seem that no attempt has been made to do this.

Respectfully, yours,

M. K. SNIFFEN,
Secretary Indian Rights' Association.

EXHIBIT SNIFFEN NO. 4.

LODGEGRASS, MONT., *March 12, 1908.*

Mr. M. K. SNIFFEN.

MY DEAR FRIEND: I have been able for the first time to send you a protest which has been circulated among four districts out of five. It would seem no doubt small, but when one takes into consideration the obstacles we have to contend with, we are doing well to get what we did. We did not get any signers from Big Horn district at all, but I still hope to be able to get some, and when I get them I will forward them to you at once. The protest I send to you in our behalf has been sent you under separate cover by express, as I dare not trust the mail at this end, judging from past experience. However, I am sending you this letter by registered mail. You will find inclosed with the protest a letter from Maj. S. G. Reynolds, which is self-explaining on his part, also a copy of our demand to him, for which I am unable to say what will be the outcome, as I learn to-day that it was not presented to him yet, but will be soon.

When Horace got the letter he went right into the office and asked Maj. S. G. Reynolds for an explanation, and Major Reynolds told him, among his many excuses, that the trouble was that he was too independent, and besides he understood he was corresponding with Mrs. Grey, and also that the Department thus instructed him to do so. Thereupon Horace asked to see his authority for his statement. Major, in return, showed him a telegraph message, which read thus: "Send your delegation of ten *immediately.*" Horace contended with him that that had no bearing on the question. *He then said that his* instructions from the Department was in the safe and that the

safe was locked, etc., and this far from being satisfactory to Horace, he left. I almost forgot to say also that he told Horace the change was due to the action of the Lodgegrass district; that it was the desire of the Indians. It is unnecessary to say anything in this regard, as the copy of protest is sufficient in this matter. The truth of the matter is this, in a nutshell: He does not propose for no one to go to Washington who has a mind of his own, as will be seen. Horace at a lodge meeting freely expressed himself as a delegate what he was going to stand for and what he was not going to. Evidently some spy heard him, and made all haste to tell him of Horace's speech. We have every reason in this to bear out our views. At the outset of the council (if it be a council and granted(?)) there were six delegates, and Horace was one of them, but by the juggling of Major Reynolds he strives to "ditch" Horace, and that is not all that has been done to further his own end. He has by some unknown means increased the original six to ten. The four addition are as follows: "Scold the Bear," "Big Medicine" (both policemen), Alex. Upshaw, and "Sees With His Ears." Alex. Upshaw has said, as I am told, that he has a proposition of his own to make to Secretary Garfield that he wants to get permission to do "real estate" business on the reservation. There is only one C. I. L. boy going to Washington, and we are afraid he will be "switched" about the time they get ready to start. The C. I. L. boys do not figure on what they can do as a unit to defeat any wrongs that the other party may yield to, but they want to go back to expose the fraud by which they were sent back to Washington to represent us. Joe Martinez says he saw the so-called council proceeding and saw where the first day's attendance was only 59. Major Reynolds went to Billings about a week ago and released Mrs. Lucy Old Horn. No doubt he surmised something. I have much to write you, but I will close for this time. Hope we may hear a word of cheer from you, as we especially at this time need. The C. I. L. boys join me in sending greeting to your association, and also Mrs. Grey.

I am, your friend, J. W. COOPER.

P. S.—It is generally known the delegation will start on the 18th. Please let me hear from you at your earliest convenience.

J.W. C.

INDIAN RIGHTS' ASSOCIATION,
Philadelphia, March 20, 1908.

Hon. M. E. CLAPP,
Senate Chamber, Washington, D. C.

DEAR SIR: I inclose herewith a letter just received from J. W. Cooper, president of the Crow Indian Lodge, of the Lodgegrass district, relating to the protest of the Crow Indians, which I filed with you yesterday.

Very truly, yours, M. K. SNIFFEN,
Secretary Indian Rights' Association.

EXHIBIT SNIFFEN NO. 5.

PRYOR, MONT., *February 13, 1908.*

HONORED SIR: We are having a council here for two days for throwing open the surplus portion of our land. Has Congress made a law saying that the Government would take any land from the Indians without the consent of said Indians? So I want you to let me know what we could do to keep our land from the Government taking away our land without our consent. Is there any law made lately that Congress should take our land?

I wish to hear very soon, any law made against our refusing in giving our land away. If there is a law made answer soon, so we will consent to it.

ARNOLD COSTO.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., March 4, 1908.

FRIEND HORACE: In sending the council proceedings to Washington it was requested that George Pease be authorized to go as a delegate instead of you. This was approved, and George will go with the delegation. I am sending you this infor-

tion as soon as I get it, in order that you will not put yourself to any unnecessary expense or trouble.

You can devote your entire time now to your farm and stock and I hope you will make a big showing this season.

Your friend,

S. G. REYNOLDS,
United States Indian Agent.

HORACE LONGBEAR,
St. Xavier, Mont.

LODGEGRASS, MONT., *March 6, 1908.*

Maj. S. G. REYNOLDS,
Crow Agency.

SIR: We, the undersigned Indians of this district, do hereby protest against George H. Pease taking the place of Horace Long Bear as delegate to Washington. We take this action on account of your letter to Horace, in which you state that George Pease takes his place. We most earnestly request that you consider the matter and send Horace Long Bear. If you do not comply according to our wishes, we will have to seek some other means of accomplishing our protest.

J. W. Cooper, Joseph Martinez, James Carpenter, Grandmother's Knife (his x mark), Not Mix (his x mark), Not Afraid (his x mark), Pretty on Top (his x mark), Talking Pipe (his x mark), Good Luck (his x mark), Corner of his Mouth (his x mark), Grey Bull (his x mark), Owls, White Woman (his x mark), Thomas Stewart, James Blaine, Geo. No Horse (his x mark), He Says (his x mark), Big Sheep (his x mark), Yellow Tail (his x mark), Bad Horse, Flat Head Woman (his x mark), Ed Wolf Lay Down, Power Good Order (his x mark), Wolf Lies Down (his x mark), Walking Bird (his x mark).

EXHIBIT F. E. L. No. 1.

THE WHITE HOUSE,
Washington, April 2, 1907.

MY DEAR MR. COMMISSIONER: This note will be presented to you by Mrs. Grey, who is a western correspondent of Collier's and the Chicago Record-Herald. She has knowledge of certain abuses on the Crow Reservation which you ought to know about and investigate. Will you be good enough to grant her a careful hearing and report to the President as to the facts in the matter?

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

HON. F. E. LEUPP,
Commissioner of Indian Affairs.

EXHIBIT F. E. L. No. 2.

COLLIER'S, 416 WEST THIRTEENTH STREET,
New York, April, 10, 1908.

HON. FRANCIS E. LEUPP,
Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: In accordance with your request, I had our records examined and find that we had some correspondence on the subject of proposed contributions with Mrs. Helen Pierce Grey, ending January 27, 1907. Mrs. Grey was not connected with the paper in any way.

Very truly, yours,

SAMUEL E. MOFFETT,
Department Editor Collier's.

EXHIBIT F. E. L. 3.—Correspondence in connection with lease of District No. 4 in 1905 (pp. 576–590).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 13, 1905.

S. G. REYNOLDS, Esq.,
United States Indian Agent, Crow Agency, Mont.

SIR: Your attention is invited to the fact that five of the existing tribal grazing leases on the Crow Reservation will expire on June 30 next. The lease in favor of

Lee Simonsen, for district No. 3, will not expire until April 1, 1906. By the Crow agreement, which was ratified by the act of Congress of April 27, 1904, a small portion of the northeast corner of district No. 4, the northern portion of district No. 3, the north two-thirds of district No. 2, and all of district No. 5 will be eliminated from the reservation. Districts Nos. 1 and 6 remain undisturbed. There is sent you herewith a map of the reservation showing the location of all the pastures except No. 6, which was laid out after the map was made.

The office knows of no reason why the surplus lands of the retained reservation should not be leased as heretofore—that is, by public advertisements soliciting proposals. By the terms of the expiring leases all fences and other improvements placed upon the lands by the present lessees became the property of the Indians at the end of the term. You are accordingly directed, at your earliest convenience, to convene a general council of the Indians for the purpose of securing tribal consent to the leasing of the lands. It is thought that the term should be fixed at five years. If you think that a minimum price per acre should be fixed upon the lands, you should so state, giving the proposed minimum. The character and amount of fencing on each district should be stated. You should also submit an estimate of the number of acres in reduced district No. 2, and the number of acres that will be segregated from district No. 4. You should also state any other facts that will better enable the office to advertise said lands. A duly authenticated copy of the council proceedings authorizing the leasing should be submitted with your report. Please to let the matter receive prompt consideration.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

PROCEEDINGS OF A COUNCIL HELD WITH THE CROW TRIBE OF INDIANS BY S. G. REYNOLDS, UNITED STATES INDIAN AGENT, AT CROW AGENCY, MONT., RELATIVE TO THE LEASING OF SURPLUS LANDS OF THE CROW INDIAN RESERVATION, MONT.

Indians called together in council at Crow Agency, Mont., on February 3, 1905, by S. G. Reynolds, United States Indian agent. The wishes of the Department, expressed in Office letter—Land—dated January 13, 1905, are explained to the Indians by the interpreter. After consideration of the same, the members of the Crow council, speaking for their respective camps and bands, signify their willingness to lease and touch the pen in evidence of cross mark. The Indians believe that the lands leased should bring more money during the coming term than for the past term. They are willing that the price be left to the judgment of the Indian agent, subject to the approval of the Department. They earnestly request that the lessees be required to guarantee that they will purchase all the surplus hay raised by the Crow Indians. They request that Mr. Dana, the present lessee, be permitted to retain district No. 6 and that Charles M. Bair, the present lessee, be permitted to retain district No. 4, stating that these two lessees had always bought the surplus products of the Indians within their leases, had always settled promptly and satisfactorily all damages to individual improved holdings, and had, together with Mr. Heinrich, an informal lessee, done their utmost to prevent the stealing of Indian stock by outsiders. That they believe four years long enough for a term. That they desire the funds received in payment should be used partly to purchase rations for the paupers, partly to be expended in the employment of Indian labor, and if there be any part not used that it be paid per capita to the members of the Crow tribe. That they do not desire any of the present Indian herd range leased to anyone.

PLENTY COOS (his x mark).
BELL ROCK (his x mark).
HOLDS THE ENEMY (his x mark).
BULL THAT DONT FALL DOWN (his x mark).
TWO LEGGINS (his x mark).
CUTS ON ANTELOPE CAP (his x mark).
BIG SHOULDER BLADE (his x mark).
OLD BEAR (his x mark).
MEDICINE CROWN (his x mark).
SHOWS A FISH (his x mark).

Witnesses:
FRED E. MILLER.
F. S. SHIVELY.

S. G. REYNOLDS,
United States Indian Agent.
T. LAFORGE,
Acting Interpreter.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., February 20, 1905.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of Office letter—Land—dated January 13, 1905, and in reply beg to submit the following report:

1. A council of the Crow Indians was convened on February 3, being the earliest convenient date.

2. I am of the opinion that the term of grazing leases on this reservation should be fixed at five years.

3. I do not believe it advisable to fix a minimum price per acre upon these lands, for the reason that the past three years have been extremely dry and this locality has been badly damaged by grasshoppers during the same period of time; consequently the lower lands of all these leases are, at this time, short of grass. Were we sure that we were to have a wet season and things would again be favorable for a large growth of feed, it is my opinion that the grazing of stock on the permit system at so much per head would bring a larger revenue for the lands. The cattle business the past two seasons has been very bad for the stockmen on account of low prices, and it is hard to judge at this time whether they will feel able to bid as much for these lands as they did before.

4. In district 1 there are two pastures, one about 8 miles square, the other about 6 miles square, that are well fenced. E. L. Dana has also built about 30 miles of fencing in district 6, which fences a strip of land between the Montana State line and a portion of the reservation about 8 miles wide, which takes in the upper Little Horn River. The lands of this valley have been allotted as agricultural lands and grazing lands, none of which at this time have been improved; but as it is a valley that can be easily watered, we will plan as fast as possible to have the Indians that are able to locate upon these lands and commence the work of improving. There are no other fences or improvements upon the districts to be leased.

5. There are 232,635 acres remaining in district 2, and 35,000 acres will be segregated from district 4.

6. I believe it would be well to consolidate districts 1 and 2. Subdividing these two districts into smaller ones might possibly bring more money, but I am satisfied that the class of people that would bid on the smaller districts are those that we would not care to have come upon the reservation. I make this statement from the fact that several parties have asked me to have these districts made into smaller districts in order that they might have a chance to bid upon them. The men who have talked to me regarding this matter, from the standpoint of the Indians' welfare, I do not hesitate to say that I would not want to see them come upon the reservation under any consideration, as I know in each case that the only object that the party had was to get a chance to come here with a small bunch of stock for the sole purpose of stealing stock belonging to the Indians.

Owing to the number of allotments in district 6 and the fact that the Indians from now on will be fencing and improving their lands it will be difficult to determine the acreage or define the boundaries. I would recommend that this small district be leased informally to Mr. Dana, the lessee to pay $1 per head for cattle. I recommend Mr. Dana from the fact that he is perfectly satisfactory to the Indians and the cattle that he has run there have been his thoroughbred Hereford stock, and the Indians having land there have put their cattle inside his boundaries and their cows have had the benefit of his fine-grade Hereford bulls. Mr. Dana has proven himself to be a man of honor, has always dealt justly with the Indians, and merits their confidence.

7. I inclose herewith a duly authenticated copy of the council proceedings. It will be observed therein that the Indians request that the lessees should purchase all the surplus hay each year that they have to sell. In my opinion, this one point is of more importance than the amount received from the leasing of the lands, as it will make a source of revenue for the Indian that will require his individual effort to obtain. It will also be observed that Medicine Crow desires that Mr. Dana be again given the privilege and Plenty Coos makes a similar request in favor of Mr. Bair. The other Indians in council made no objection to this. Medicine Crow represents the district in which Dana's lease is located and Plenty Coos represents the Pryor Creek Indians in the locality of Mr. Bair's lease. Regarding the leasing of district 4 again to Mr. Bair, I would recommend if your Office consider it best to again lease to him, that a strip along the Prior Creek Valley extending 2 miles on each side of the creek, which would be in extent about 30 miles, be reserved from the lease. This would put the grazing of the lessee's stock around the south and west and north boundary lines

of the district, which are unfenced, and removes his stock from the improved holdings of the Indians of the Pryor district. This will give the Indians plenty of grazing land adjacent to their homes and will have a tendency to keep the Indian stock from drifting off the reservation, where it would fall into the hands of unscrupulous whites, and would also have a tendency to keep outside stock from drifting upon the reservation.

I am returning to you the map marked in red ink which will give you an idea of the reasons of my recommendations regarding districts 4 and 6. The country immediately south of district 4 is known as the Dry Head country, and it contains an organized band of stock thieves which has preyed upon the stock of this reservation for years. The same can be said of certain portions of the west boundary. You will notice that a red line represents a fence running from Black Canyon to the Little Horn River where it connects with the Burlington right-of-way fence. The strip of country between Lodgegrass Creek and Black Canyon is the country where Lee and Garvin drove from 800 to 900 head of cattle that they stole from the Indian range and took into the part of Wyoming known as Garvin Basin. The lands lying between the Big and Little Horn rivers are the ones used by the Indians for their stock. I estimate that five-eighths of the members of this tribe graze their stock within these boundaries. After the conviction of Lee and Garvin for the stealing of Indian stock Mr. Heinrich was granted a grazing privilege for the ranging of stock in the country south and west of Black Canyon, and by his building a fence commencing at the corner of district 6 and fencing over the strip of land between the smaller canyons extending to Black Canyon he entirely stopped the drifting and driving of Indian stock from the mountains into Wyoming. The facts are that the Indian stock never ranged in that section and would not go over the mountain to this place unless driven. Mr. Heinrich was the main witness in the conviction of Lee and Garvin and was the first person to bring the attention of this office to the fact that they were stealing Indian cattle. We have made three convictions for cattle stealing since sending the party in each case to the penitentiary, and Mr. Dana and Mr. Heinrich were the main witnesses and upon their testimony convictions were made in each of these cases.

On lease No. 4 in the past two years we have made several convictions for stealing stock, which are, as near as I can learn, more convictions than were ever made before for similar offenses during the previous history of the reservation. In fact, Mr. Edwards's conviction of Lee and Garvin was the first that was ever obtained for such offenses upon this reservation. They, however, by their location do not come into contact with the Indians as do the lessees of 4 and 6. No complaints of any consequence have ever come to this office regarding any of the present lessees. The facts are that the Indians, in a great many cases, will not protect their stock, and I will cite one instance: At the time Harrison and Coggins stole 16 unbranded steer calves they drove them to a corral on Lodgegrass Creek, where they kept them overnight. In the morning 6 or 8 Indians, who happened to come there, sat on the corral and watched the thieves brand the calves and also saw them drive them from the reservation. The suspicion of the Indians was never aroused, and it was several months after we secured the conviction of Coggins that I found this fact out and talked with the Indians regarding the matter. The information came to the office from one of Dana's line riders who saw them driving the calves from the reservation. I consider the leasing of districts 4 and 6 as a protection as well as a benefit to the Indians, and I consider Mr. Heinrich's informal grazing permit a benefit to the Indians, and I have tried to make the matter plain to the Office why we should have men in these localities whom we have absolute confidence in.

Very respectfully,

S. G. REYNOLDS, *United States Indian Agent.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., February 21, 1905.

Hon. COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.

SIR: I beg the honor to inform you that Plenty Coos, the main chief of this tribe, asks me to request permission for himself and six others to visit Washington for the purpose of consulting the President.

They have a fund for the purpose, and if you care to have them come I can send, as a part of the seven, two Carlisle boys to look out for them.

Yours, respectfully,

S. G. REYNOLDS, *Indian Agent.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 2, 1905.

UNITED STATES INDIAN AGENT, *Crow Agency, Mont.*

SIR: The Office is in receipt of your letter of February 21, 1905, requesting that permission be given Plenty Coos and six other Indians to visit Washington for the purpose of consulting the President.

In reply you are advised that the Department and this Office are very much averse to granting permission for delegations to visit this city. Very little, if any, good can be accomplished by such a visit in this case, and the Office has therefore concluded to withhold the desired permission.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

[Office memorandum.]

Plenty Coos sent message to Commissioner of Indian Affairs, unbeknown to agent, asking permission to come on to Washington, saying he would pay own expenses.

[Telegram.]

WASHINGTON, D. C., *March 18, 1905.*

REYNOLDS, *Agent, Crow Agency, Mont.:*

Authority granted Plenty Coos and interpreter to visit Washington at their own expense.

LARRABEE, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 18, 1905.

SAMUEL G. REYNOLDS, Esq.,
United States Indian Agent, Crow Agency, Montana.

SIR: Referring to your letter of February 20, 1905, you are now advised that the Secretary of the Interior on the 16th instant granted authority for the leasing of grazing districts Nos. 1, 2, and 4 on the diminished reservation, as shown by the map submitted with your letter, for the period of four years from July 1, 1905, to the highest and best bidder, after due advertisement soliciting proposals, the lessee of each district to be required to purchase all the surplus hay and oats of the Indians at the market price, to be determined by you. Authority was also granted for the publication of advertisements inviting proposals in the following newspapers:

Drovers Journal, Chicago, Ill (weekly), two insertions.
Stock Growers Journal, Miles, Mont. (weekly), two insertions.
Billings Gazette, Billings, Mont. (semiweekly), four insertions.

Advertisement will also be made by means of printed posters which have been prepared by this Office. A supply of the posters is sent to you by to-day's mail under separate cover. You are directed to send a copy to each of the present lessees on the reservation, and to all other important stockmen whose address you know in Montana and Wyoming. The purpose is to give the widest possible publicity to the letting. As you will observe from the posters, the bids are to be opened in this Office at 2 o'clock p. m. on Thursday, April 27. You will be duly advised of the action taken upon such bids as may be received.

You are also advised that the Secretary of the Interior on the 16th instant granted authority for the inauguration of the permit system of pasturage on district No. 6, as shown upon the map submitted by you, and on the lands at present held by Mr. Heinrich, north of Garvin's basin, at the rate of $1 per head per annum.

A supply of blank permits with blank bonds attached is sent you by to-day's mail under separate cover. You should make a careful and accurate count of all cattle or other stock brought on the reservation under the permits, and the permittees should be required to make payment in accordance with the count of the stock. The stock of each permittee will at all times be under your personal supervision and direction, and if necessary may be moved from one portion of the reservation to another. No permittee should be allowed to monopolize the water privileges of the reservation to

the detriment of other permittees, and should be required to so hold his stock as to afford equal water and grazing privileges to the several permittees. The permits and bonds should be executed in triplicate. Each permittee should be required to either pay the entire annual consideration in advance, or to pay half in advance and enter into bond in an amount equal to the deferred payment, with at least two good and sufficient sureties, conditioned upon the faithful performance of the terms of the permit. When the permits and bonds are properly executed they should be submitted to this Office for approval. Please acknowledge receipt of these instructions.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

Proposals for leasing grazing districts Nos. 1, 2, and 4 on the Crow Reservation, Mont.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 15, 1905.

Sealed proposals will be received at this Office until 2 o'clock p. m., on Thursday, April 27, 1905, and will be immediately thereafter opened in the presence of such bidders as may attend, for leasing grazing districts Nos. 1, 2, and 4 on the Crow Reservation, Mont., for the period of four years from July 1, 1905. The proposals must be addressed to the Commissioner of Indian Affairs, Washington, D. C., and must be plainly indorsed on the outside of the envelope, "Proposals for leasing Crow lands."

For the information of bidders it is stated that district No. 1 comprises the southeastern portion of the reservation, south of Reno Creek and east of the Little Big Horn, and is estimated to contain 380,000 acres; district No. 2 comprises the northeastern portion of the diminished reservation lying east of the Little Big Horn and north of Reno Creek, and is estimated to contain 232,635 acres; district No. 4 comprises the western portion of the reservation west of the McCormick fence, and is estimated to contain 400,000 acres.

Each lessee will be required to purchase the surplus hay and oats of the Indians residing in the respective districts.

Maps showing the location of the several ranges and posters giving information relative to the submission of bids may be obtained upon application either at this Office or of the United States Indian Agent, Crow Agency.

The rents must be paid in two equal semiannual installments, in advance, to wit: on July 1 and January 1 of each year. The lessees will be required to furnish security in an amount equal to one year's annual rental, conditioned upon the faithful performance of the terms of the lease. Surety or guaranty company bonds preferred.

Everything being satisfactory, it is proposed to award the grazing privilege of each district to the bidder proposing to pay the highest price therefor; but the right is hereby reserved to reject any and all bids, or any part of a bid, if deemed for the best interests of the Indians, and the leases executed hereunder will be subject to the approval of the Secretary of the Interior.

Each proposal must be accompanied by a certified check or draft upon some United States depository or solvent national bank in the vicinity of the bidder's place of residence, made payable to the order of the Commissioner of Indian Affairs, for at least 5 per cent of the entire amount of the proposal, which check or draft will be forfeited to the United States, for the use and benefit of the Indians occupying said reservation, in case any bidder receiving an award shall fail to enter into the prescribed lease and to furnish a suitable bond conditioned upon the faithful performance of the terms of the lease; otherwise, to be returned to the bidder.

Proposals not conforming to the requirements of this advertisement may be rejected if such action shall be deemed proper. Any further information desired may be obtained of the United States Indian agent, Crow Agency, Mont.

F. E. LEUPP, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 7, 1905.

S. G. REYNOLDS, Esq.,
United States Indian Agent, Crow Agency, Mont.

SIR: The Office is in receipt of your letter of March 28, inviting attention to a certain provision in the current posters inviting proposals for leasing grazing districts Nos. 1, 2, and 4, viz: "Each lessee will be required to purchase the surplus hay and oats

g in the respective districts." Since the Big Horn district is ny of the pastures it is proposed to lease, which district will pro- iantity of hay during the coming year, you suggest in substance, its should be changed so as to require the lessees to purchase ans residing on the Crow Reservation.

has to say that it does not seem practicable to change the adver- by you. In the first place, it is too late to make the change. now would involve the recalling of the present advertisements and ones, a matter that would occasion considerable delay and consid- xpense. Then the matter to which you refer was considered by the Office he advertisements were published and it seemed impracticable to attempt to given lessee purchase the hay raised by other Indians than those residing in district he has under lease. Suppose the districts should be leased to three differ- enants—which will likely be the case; it would be impracticable and impossible portion among them the quantity of hay each should purchase, and to designate Indians each should purchase from. Such an attempt would lead to endless lications and would most likely result in defeat. As the advertisements stand, lessee will know definitely what Indians he must make purchases from. And event could the lessees be held to pay more than the market price for the hay ats purchased. Where there is no unnatural influence, the law of "supply and nd" will govern the market price; and if there is but little demand for the prod- he prices will be comparatively low. If there is no natural demand for the prod- e lessees could not be held to pay arbitrary prices, and an attempt of this kind result in requiring the lessees to pay the same prices for the hay and oats of that they could obtain elsewhere. It ought to be a matter of indifference whether they sell their produce to the lessees or in the open market, as they secure more than the open market price. If the different lessees he hay and oats for their stock, and must have produce of the kind the this will create a market for their stuff and sales can readily be made; bitrary action of putting such a clause in the contracts as you suggest could in increasing the market price of the produce the Indians would have to sell, ould only determine the persons to whom they should make sales. The Office satisfied that the Indians will be able to sell their hay and oats at the open market price without any change in the advertisements: and that a change would not result in increasing the market price of hay and oats on the Crow Reservation.

Very respectfully,

C. F. LARRABEE, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., April 18, 1905.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of Office letter—Land 26294–1905—dated April 7, 1905, and beg to state that I believe you gained a wrong impression of the idea I wished to convey in my letter of March 28. If the Indians of the Big Horn district have a market for their hay we will have to create it. Their hay must be sold and fed on their allotments. They live too far from the railroad and the expense of baling and hauling it for shipment would make it impossible for them to find a market in any of the towns along the railroad; in fact, there is no market this side of eastern towns or on the western coast. Ninety-five per cent of hay raised in this State or Wyoming is sold and fed where it is cut and stacked. To my mind there is but one proposition left for us to consider, and that is to make him a market at home. I am satisfied that the grazing lands of this reservation are of sufficient importance to our larger stockmen that in order for them to get the privileges of the grazing lands they would be perfectly willing to enter into contract to purchase all the hay and oats (surplus) raised on this reservation and to pay for it the market price which governs in the various hay districts of the eastern part of this State and northern Wyoming. I would not recommend an arbitrary price upon the hay. I am sure, however, that it will command for the next four years a price that will pay the Indian to put up all he possibly can for sale. The matter of delaying the leasing of these lands thirty or sixty days would be of small importance to the Indians, while the matter of compelling the lessees to contract to buy their hay (surplus) at the market price is of vital importance in developing the Indian so that he may become self-supporting as soon as possible.

These Indians very well remember the treaty for the sale of their lands and they also distinctly remember that a million dollars was to be paid them in cash for the ceded

lands, and they were given reasons to believe that $240,000 would be expended at once in the purchase of 2-year-old southern heifers. This was carrying out a definite plan in anticipation of the finishing of their irrigation system on this reservation with the expectation that the hay raised would be fed to the cattle they had every reason to believe would be bought. We who represent these Indians know that it will be a long time before the cattle will be bought. The Indian has his hay to sell and he looks to us to find him a market for the same. He anticipated this when he asked in the council that was called to secure consent to the re-leasing of the grazing districts and requested that the lessees be required to buy all surplus hay and oats raised by the Indians of this reservation.

Very respectfully, S. G. REYNOLDS, *U. S. Indian Agent.*

WASHINGTON, D. C., *April 26, 1905.*

Report of questions asked by Plenty Coos and Big Shoulder Blade, members of the Crow Indian tribe, in their talk with the Acting Commissioner of Indian Affairs:

PLENTY COOS, head chief of the Crow tribe. I wish to say that I speak for the members of my tribe, and that I voice their wishes and desires in what I am going to say.

At a council held by the Indians before I left there for this place it was the unanimous wish and desire of the entire tribe that No. 4 (the Pryor Creek district) be not leased by the acre, for the following reasons: That water out of the mountains, the streams coming from the mountains, and the springs on that portion of the reservation are all occupied by my people, and the bottom lands and valleys, where available, are cultivated and many are not protected by wire fence and will necessarily be trespassed upon to the detriment of the owners. And that on district No. 4 are located one-third of the tribe, known as the Pryor Creek Indians, and also as the progressive and most enlightened portion of my people, and my young men are too busy, and we are trying to be self-supporting, but we can not do it if my young men spend all their time driving off the lessee's stock from their unfenced growing crops, and keeping them off, and chasing after the dishonest men. I know the assertion I just made is true, for the employees of the old lessees of Nos. 1 and 2, who were in the cow business, have been one constant source of trouble and loss to my people. If district No. 4 is let by the head per year at $1 a head for cattle and 10 cents per head for sheep, the number of the stock and place they range can be regulated by our agent to the benefit of my people.

Different conditions exist on Nos. 1 and 2. The streams and springs on these districts are not allotted, neither are they occupied, and our desire is to lease these two districts to the highest and best bidders, under your supervision.

For these reasons I earnestly request that No. 4 be let under the permit system (per head, per year).

I spoke to you yesterday about my desire to have an honest man get those leases. We are trying to be self-supporting, but we can not do it if we have to run about looking after our stock and spending all our time keeping off dishonest men. We want to spend our time at home looking after our growing crops.

Several years ago our tribe had quite a large sum of money which you were taking care of for us, but of late years I have heard that a great deal of it has been expended for different things for the tribe, and now we want some things for our farms and to get milch cows, good plows, strong harness, and strong work horses. I wish the money that was expended several years ago could be expended now for us, because my eyes have been opened for the advancement of my people. I learn there is very little money in your care for us.

I wish to know if after the leases are made the rent money can be expended for the tribe, so that the young men can buy substantial implements which they need.

One or two districts on the reservation are being leased by the permit system now, No. 6, and one, I don't remember the number, between the head of Lodgegrass Creek and Little Horn River, on the mountains. I like that permit system, and No. 4, the Pryor Creek district, can be let in that way—not leased for four years, but to one certain man, per head, for one year.

When I started to come here I said that I would ask all the questions I want to know, so that when I go back to my people I will not be undecided on certain subjects or certain things and I will be able to tell the people about them. I want to have all the questions answered definitely.

Other Indian tribes have made you visits, but for twenty-five years I have never visited you, although I know some money had been appropriated from ceding our lands for my trip to this place. We had a hard time getting over here, but while I am here I want to know everything definitely, so that I can go back and tell my people that the Great Father in Washington was not here, but that I saw our Commissioner and he treated us very kindly and wanted us to do everything we could to be self-supporting and not to depend upon the Government for support. We have fine lands on our reservation to make ourselves self-supporting, but we have not the training and the education and do not know just what to do—I mean the older men of my people.

I wish to know if the bids will be opened to-morrow.

I also wish to speak on some other subjects, but I wish to know if the bids will be opened to-morrow, so that that matter will be settled and all my requests are complied with as to the leases before I go back home, when everything is settled once for all, and then I am willing to go home, and until then I will be satisfied as to all the questions I ask.

I want a man to occupy the two districts who are honest men and fair in their dealings with the Indians, and who will respect the rights of the Indians and the reserve valley.

I want to receive the rentals from the leases in cash. I want that understood and carried out, and I want to see it done.

I am the head of my tribe, and it is a very great responsibility to lead the people right. We are now in a new life, and because we do not have much education it is hard to get along. I voice the sentiments of my tribe in all their dealings, and I do not wish to do anything that would betray their confidence.

This is all I have to say this morning. I am glad to have this talk.

BIG SHOULDER BLADE. I do not reside at Pryor Creek, but live just above the agency. About one-third of the tribe lives at Pryor Creek district, and the request is made that the district be let by the permit system, but not by the regular lease of four years.

If a man is permitted to go on the land he can be watched and the stock he puts on there can be counted and the amount of range they are to run on can be regulated. By letting the district per head the rights of the Indians can better be guarded and cared for. It would be a hardship to my people to lease it in any other way for this

No. 4.

When the rents are paid I want to receive it in one payment for the year, so that the young men can purchase what they need in the way of implements and good stock for breeding purposes as well as for working purposes.

The lessees for these leases should be required and compelled to buy all the surplus oats and hay raised by the Indians on their respective districts and also the lands adjoining or opposite their districts.

They should be compelled to respect the rights of the Indians and their allotments and they should not be permitted to trespass upon the reserve valleys, whether they are fenced or not.

In receiving the cash rental for leasing the lands I want it in one payment for the year for the purpose of purchasing milch cows, pigs, and chickens, and building homes and fixing them up respectably, for building stables for the cows, and putting our places under fence, so that we will be sure that no outside stock can get in to destroy our hay and grain crop. I think that is the right thing to do, and I want to have it done.

(Major Larrabee made the following reply, which was carefully interpreted to the Indians:)

I will say, briefly, that it is too late to make any change in the leasing business. We have advertised for bids, which will be opened here to-morrow. The Indians will be here, I suppose, and they may be altogether satisfied when they see what they are going to get out of the leasing.

The question of leasing, or granting yearly permits, was thoroughly discussed here in the Office before we decided on the leasing business, and it was thought it would be altogether best and bring them more money and be more satisfactory to lease the lands in that way.

If they favor one man by giving him special privileges there are always others to complain and say if they had known about it they would have given more if they had had the opportunity.

However, wait now and see what we get out of the bids and do nothing and rest until we see what comes of the bidding.

I will have all that Plenty Coos and Big Shoulder Blade have said typewritten and let them make such corrections as they desire to make. Then we will have the questions answered and give you a copy of our answers and your own questions to take back to your people.

WASHINGTON, D. C., *April 28, 1905.*

Mr. Secretary HITCHCOCK.

I come a long way to see you and the Commissioner about my people and their allotments. We know you are our friend; we know that if you understand our affairs you will do right by us. My people know this. They asked me to come to you when our country was to be leased for years to come, so that you could know what the Indians believe is best for them, and they believe you will do that. No white man asked me to come here. My young men who have allotments of land asked me to come to you; they will help me some, but I pay my own expenses here and bring Big Shoulder, my friend, with me for company. I also pay for him, and no white man helps me here. I speak for my people.

We want to raise hay, grain, and potatoes, and things to eat on our land, but we can not afford to fence all our allotments. On our allotments we raise what we live on, and if cattle or horses are allowed to run loose over our part of the reservation they will eat the grass on the allotments, so we can have no hay, and they will trample down our crops, so we will have no food. The reservation is big; but one-third of all the Indians live on what you call district No. 4; they have many allotments and no fences much. If cattle and horses are driven in by white men to pasture in district 4, the Indians must quit farming or trying to farm there—it will be no use. They can not buy wire and each Indian fence his own allotment. Unless they fence they must quit farming if horses and cattle run about loose, because they will run over the unprotected allotments. The Indians and the cow men will then quarrel and much trouble will come; then trouble will fall on all the Indians living there, but mostly on me, because the Indians look to me for their rights.

Before I came here all the Indians in district 4 held a council; they in council said they wanted to keep Mr. Bair and his sheep in district 4, because he looked after his own business and kept the sheep off the allotment and never took anything from an Indian without agreement and payment. When Indians have been hungry, he has fed them. When they have had hay, he has bought the hay to help feed his sheep; he has bought much hay from the Indians that he did not need, and he now has hundreds of tons of Indian hay he has bought and has not fed. This has helped the Indians very much. The cattlemen say they, too, will buy the hay, but their cattle run loose and eat all the grass on the allotments and other parts of district 4, and when the grass is eaten up by the cattle the Indians can have no hay to sell. Mr. Bair makes his sheep herders keep off the Indian allotments, and then the grass grows on the allotments and the Indians cut the grass and make hay and Mr. Bair buys the hay and pays for it in money. The Indians are all satisfied with Mr. Bair, who has been down there for seven years and has never had any trouble with any Indian. They will feel sad and feel that their best friend goes away when he leaves. When he came there they could not sell the hay to anybody. Since he came he has bought all the hay they had to sell. He also buys their oats. The Indians do not want a lease on district 4, because a lease describes the country on the outside boundaries and the man who leases that way thinks he has a right to let cattle run loose over Indian allotments and bought the country inside of the outside boundaries. The Indians want so much per head charged for sheep, and permits given, just as they have been to Mr. Bair, 10 cents a head, which is paid everywhere for sheep, in fair, and the Indians will be satisfied with that. The Indians do not want to deal with strangers; they do not know that another white man would treat them like Mr. Bair, and every Indian living on the reservation told me in council to tell you that they wanted no lease; to charge Mr. Bair by the head for sheep.

We have a good agent; we look to him some, but we look to you most, Mr. Secretary, to see that white men are not allowed to come on the reservation and trouble the Indians while they are trying to raise crops and build homes. We would rather not have the land leased to anybody or to have any outside stock on there at all, unless we know that we can get along in peace with the man who owns the stock. The amount of the rent is little, compared with the loss of our crops and the discouragement of our people, which would surely come if men were put in there with stock who would quarrel with the Indians and make trouble.

My people, men, women, and children, have cattle of their own and would take pride in increasing the number, but if this big cattleman comes in and drives within the boundaries of the lease this number will come in and mingle with our own cattle and in a short time we won't have any cattle. It will be an impossibility to round up my cattle and brand my calves.

A long time ago this same district No. 4 was leased to cattlemen, and then at that time my people had quite a large number of cattle of their own. The lessees' cattle and the Indians' cattle mixed up, and in the course of time when the leases expired we did not have any cattle, and I am afraid now to have cattle come in there for four years.

I came to the Commissioner before the bids were opened and protested against the leasing of No. 4 by the acre. I now protest again and ask that all the bids on this district be refused, and that the sheep of Mr. Bair be taken on at 10 cents per head, and then only such a number as the agent may allow.

Yours, truly,

(Signed) PLENTY COOS.

WASHINGTON, D. C., *May 2, 1905.*

The honorable Commissioner of Indian Affairs.

SIR: I respectfully submit that my bid of $7,000 per annum for grazing privilege on the unallotted lands in district No. 4 of the Crow Indian Reservation in Montana is reasonable and the best bid from the standpoint of the Government and the Indians for the following reasons:

First. Seven years' experience is an assurance to you that I will conduct myself in dealings with the Indians so as to avoid all trouble and insure peace and good will among them.

Second. I will in the future, as in the past, purchase their hay, grain, and produce at fair and just prices and give the Indians the preference in doing such work as they can do with their teams, thus maintaining a home market for them to encourage their industrial advancement.

Third. In paying them in the neighborhood of $10,000 per year for the produce of their farms and the work I give them, the income to the Indian allottees in district No. 4 is just that amount added to the substantial gain of the Indians over the amount which would issue from the hire of the district for grazing cattle or horses.

Fourth. No crops could be raised by the Indians if the district should be stocked to its capacity with cattle, unless the allotments should be fenced in the most substantial way.

Fifth. On my bid the Indians will directly and necessarily realize about $17,000 per year, while a cattle grazer would pay the pasturage bid and no more. Hay is not fed to range cattle nMontana, and even if the lessee agreed to buy the Indians' hay he would not be called upon to do so, because his cattle would eat the grass and the Indians would not have hay to deliver.

Sixth. In addition to the usual bid, I have paid and will pay the Indians for the use of their allotments whenever and wherever used by me.

Seventh. I have bought and will continue to buy not only hay raised by the Indians in district No. 4, but also east of the Big Horn under the big ditch.

Eighth. In view of my seven years' satisfactory dealings with these Indians and their good will toward me, I feel fair rental, with an addition of my large purchases and the amounts paid for labor to the Indians, should be items subject to joint consideration in reaching a conclusion as to which is the best of a number of bids. To be frank, I say that, from a pure business point of view, my bid of $7,000 will yield the Indians more in rental and market than they would get out of double that rental and no market at home.

Finally, I feel that I have bid as much and even more than the grazing is worth, because of the cost of moving the hay which I bought from the Indians and now have left over. It would be a loss to me, would this left-over hay, and I took that into consideration in bidding, and I ask you to consider my situation. Having by fair and liberal dealing gained the good will of the Indians, I have helped the Government in its work of elevating them. They are my friends and I am their friend. They are the most advanced in agriculture and thrift of any Indians on the reservation and I am proud of the help I have been to them, and now I put my $7,000 bid, $10,000 of annual payment to my Indian neighbors, and seven years of peaceful, friendly relations with them and the Department into the balance, insisting that from any and every point of view my bid is the very best bid and as such is entitled to acceptance.

Very respectfully,

(Signed) C. M. BAIR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 8, 1905.

PLENTY COOS,
Chief of the Crow Tribe, Washington, D. C.

MY FRIEND: A typewritten copy of your talk with me on April 26, relative to leasing grazing district No. 4, on the Crow Reservation, was submitted to the Secretary of the Interior, with my letter of May 3, in connection with bids for leasing the lands of your tribe. I invited the Secretary's attention to everything you said, especially to your words relating to district No. 4—that you preferred the permit system for this district for the grazing of sheep only, and that you felt entirely satisfied with the present lessee, Mr. Bair.

The Secretary on the 5th instant replied to my letter in relation to the bids. He accepted the highest bids on districts Nos. 1 and 2; but rejected all the bids on district No. 4, and directed that it be let to Mr. Bair under the permit system, for the grazing of sheep only, for the period of four years, at a minimum price of $7,000 per annum, Mr. Bair to pay for any excess of 35,000 sheep at the rate of 20 cents per head per annum. The Secretary referred to your statements to me and to your statements in the communication addressed to him, and stated that he deemed the above action with reference to district No. 4 to be in advancement of the best interests of the Indians.

Doubtless your statements to me and your statements in the letter to the Secretary had much to do in determining the action that was taken. It is hoped that the grazing matters as now determined upon, will be entirely satisfactory both to yourself and your people.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 10, 1905.

PLENTY COOS,
Chief of the Crow Indians.

MY FRIEND: I have given careful consideration to the subjects presented by you on May 5, and now give my replies to your several requests.

For convenience I quote each of your requests separately and append my answer.

"First. That portion of the reservation that I am going to speak about was ceded to the Government April, 1904, and among the stipulations in that agreement was a clause for the purchase of sheep; another for the building of a hospital for the Indians, and another clause for the purchase of jackasses.

"Now, it is the wish of my people that the amount set aside for the purchase of sheep be expended in the purchase of cattle; that the amount set aside for building the hospital be expended in the same way—that is, for the purchase of cattle—and that the amount set aside for the purchase of jackasses be expended for cattle."

This request can not be complied with as the agreement of * * * modified and ratified, provides by section 6, "That the proceeds received from the sale of lands in conformity with the act, shall be paid into the Treasury of the United States, and paid to the Crow Indians, or expended on their account only as provided in article 2 of said agreement as amended." It will be seen, therefore, that Congress would have to modify article 2 before this request can be complied with. If, upon further thought and consideration by you, you still adhere to your request, this Office will give it further consideration at the next session of Congress.

"Second. At the time that portion of my reservation was ceded to the Government, which was some four or five years ago, the Government was very slow in ratifying the same, and since that time a good many of my people have died. Now I wish, if it can be done, that the money that is to be paid for the land be given to the Indians according to the agreement and stipulations. My reason for asking this is that if the land is opened for settlement for homesteaders, it will take some time to fulfill the different stipulations in the agreement.

"I respectfully request that the payment of the different amounts be hastened, although at the time we made the agreement we requested that the payment of the money be made to us at once—that is, as soon as the agreement was ratified. The agreement has been changed to a certain extent, allowing the homesteaders to pay instead of the Government paying, as we agreed should be done.

"My reason for asking this payment at an early date is that my people have started in this new life and I would like them to have it so that they can make a good start and be able to purchase good implements, build good houses, and buy work horses. That is the wish of my people."

It is not possible to comply with your wishes for the reason that the agreement as amended provides that as proceeds from the sale of the lands are received, they shall be applied to the different purposes specified in the agreement. The original agreement with its stipulations by the Indians would have called for a direct appropriation from Congress, and the money for all the purposes named in the agreement would have been in the Treasury to the credit of the Indians. Under the amended agreement, however, only $90,000 has as yet been received and that amount is the proceeds of the school sections.

Your request for the payment of the different amounts to be hastened will receive further consideration, as from time to time sufficient amounts from the proceeds of your lands are received.

"Third. I have expended a large sum of money in building irrigation ditches on my reservation, but I wish to ask for another ditch to be built at the head of Little Horn River where quite a lot of my people live. They have no irrigating ditch for their agricultural lands. That portion of the reservation is very adapted to farming. A reservoir should be built at the head of Pryor Creek for the people living about and next to the mountains who have no irrigating ditch. These two requests I would like to have granted."

Agent Reynolds has recommended the construction of two additional ditches, presumed to be the ones to which you refer. His letter has been referred to Superintendent Hill for report and recommendation. As soon as his report is received the matter will receive careful consideration, and if it be possible to construct the ditches with the funds available, your request will be granted.

"Fourth. My young men are handicapped in their efforts to farm their lands. Although we have been supplied from time to time with barbed wire to fence our lands the supply is insufficient for the number of people on the lands where they do their farming, and the young men who become of age are being allotted and their lands are not fenced. They are willing to work their lands, but not having their lands fenced they are very badly handicapped and discouraged in their efforts to raise crops. Therefore, I request that some wire be purchased—three carloads—and sent to our agent for him to distribute to the ones that need it. There is some money belonging to my people here that could be expended in the purchase of the wire. I want that request granted."

You are informed that the agent had already requested this Office that three carloads of barbed wire fencing be shipped him as soon as possible. He was advised that he should state how many pounds he would require, as this Office could not estimate how much wire three carloads would contain, some cars being large, and others small. When the reply of the agent is received, the matter of the purchase of barbed wire for individual Indians for their lands will be fully considered in connection with funds available for that purpose. The $40,000 in the agreement of 1904 is for the purpose of fencing the entire Crow Reservation, and, of course, is not available for individual allotments.

"Fifth. I have two boarding schools—one Catholic school and one mission school—on the reservation. I would like to have this Office establish day schools in the different districts where the people are closely settled. I think that would be a very fine thing for my people. The people could send their little children to these day schools, and when they are of proper age they can be sent to the boarding schools, and after they have reached a certain grade they can be transferred to some nonreservation school, if they so wish to advance themselves. I would like very much to have this request considered. If you would kindly grant it I would be thankful."

This request will be given very careful consideration and the matter will be taken up with the agent. It is the general policy of this Office at present, wherever day schools can be located and successfully maintained from children of families living near enough, to establish them at such points.

You have very generally expressed the policy of the Office with reference to Indian education. The little tots should go to the day schools, and as they advance pass from the day to the boarding school on the reservation; after which, if they show any special talent and are deserving of further advancement, they can be transferred to a nonreservation school; otherwise, after being equipped in the day and boarding school on the reservation, it will be time for them to go to work and put into practice what they have learned.

Your views, therefore, will receive careful consideration.

"*Sixth. Since last* summer several surveying outfits have been on my land surveying lines for big canals. All the other surveys on the reservation I approved, excepting

the one that is called the Big Horn High Line Canal. It starts at the canyon of the Big Horn River and goes north along the high hill lands on the west of Big Horn River to the Yellowstone Valley. I ask that this canal be not built, for the reason that I am not desirous of letting any more of my land go for the present. I do not wish any of my mountains to be considered for another agreement for their sale. I love those mountains, aside from their being my source of supply."

Under date of February 3, 1905, this Office reported upon a proposed amendment to the bill ratifying the Crow agreement, then pending before Congress, which amendment added to the ceded territory a triangular tract of land covering about 12 townships, being in the central portion of the reservation and lying on the west side of the Big Horn River, which it was proposed to bring under the operation of the reclamation act. It is presumed that the surveys to which you refer were within this tract and had in view a high-line canal. This Office opposed the adoption of the amendment and it was not incorporated in the act ratifying the agreement with certain modifications.

November 26, 1904, the Director of the Geological Survey recommended that allotments of lands west of the Big Horn River be not approved, as such allotments would interfere with certain irrigation plans contemplated by the Reclamation Service.

This Office reported against the recommendation of the Director, and on February 4, 1905, the Secretary reviewed the matter and concluded as follows:

"For the reasons stated, I approve of your report and your recommendation that the selection of allotments already made be not disturbed, and that the policy as outlined be continued until the remainder of the Indians on the reservation are allotted, as provided by article 3 of the agreement ratified by Congress April 27, 1904, and other laws relative to allotments to these Indians."

It is believed that the action of the Office has been in line with your desires, as indicated in your request.

"Seventh. Some years ago I made an agreement with the Government to cede them a portion of my reservation on the west side, and one of the stipulations in that agreement was that the sum of $5,000 would be set aside for expenses of chiefs when they visited Washington. I am anxious to know if that amount is still on hand for the reason that when my young men sent me on this trip they all contributed their own money to pay my expenses over here. If I could be reimbursed from this fund you have on hand it will save my young men their hard-earned money. I wish to know if this reimbursement can be made to me here."

In reply, you are informed that the $5,000 which was to be available for one year from the ratification of the agreement is still on the books, and is embraced in other moneys, balances from objects for which appropriations were made, as set forth in the said agreement of 1891, but is not available for your present expenses. It is intended by this Office that your expenses coming here, for board and lodging in Washington, and returning to your reservation, shall be paid from the $3,000 set aside under the agreement approved April 27, 1904. You will later be made acquainted with the action of this Office in that direction.

"Eighth. Out on my reservation there are a few old men and old women who receive rations from the Government. All my young men and the other people that can support themselves do not receive rations at all. I earnestly request that the rations for these paupers be increased just a little, for the reason that they do not receive enough to supply their needs."

I would suggest that on your return to the agency you bring this matter to the attention of your agent, who has authority to issue sufficient rations to old and indigent Indians. If necessity exists for any large increase, he will submit the matter to this Office for approval, when it will receive consideration.

"Ninth. I have quite a large reservation in Montana, and within the boundaries of that reservation live my people, pursuing their newly acquired way of making their living—that is, farming, and a few raise stock for their support. I wish to ask you to increase the number of the Indian police, and also to increase their pay, if possible, for the reason that horse and cattle thieves have in the past made raids upon my reservation and run off stock and deprived my people of the results of their labors and efforts to obtain a living. As it is now, the number of police is not sufficient to guard my lines and to keep out the stock thieves, besides helping the Government farmers in instructing the Indians how to raise their crops, and the work that is imposed upon the police is too much for the pay they are getting."

In view of the fact that the lists of police are not completed for the fiscal year 1906, a part of them being in the Commissioners' hands in Chicago and a part in this Office, it can not be stated definitely what amount of money will be available for the employment of additional police. However, it is known that with the lists as now authorized it will leave less than $30,000 for equipment, which is the amount considered necessary for that purpose.

As the salaries of police officers at $15 per month and privates at $10 per month are prescribed by law, no increase can be made.

"Tenth. Recently the Supreme Court of the United States rendered a decision wherein the allotted Indians can go out and purchase whisky just like any other citizen. It is very easy to see that this decision would be a bad thing for my people. They do not know the bad results that come from drinking, and it is natural to see that they will go into excess, and in doing that in a very short time my people will be ruined. Now we are under you as wards of the Government. We consider ourselves safe until our lands are allotted and approved. I want to make a very urgent request that you make a special ruling for my reservation and its people, something to prevent and prohibit the use of whisky and its introduction onto the reservation. I would like to have that carried out if it can be done. It is the only safeguard I can see now."

This Office is now considering what can be done to mitigate the ill effects of the recent decision of the Supreme Court upon allotted Indians and everything that is possible within the law will be done to prevent the sale of liquor to Indians. I do not understand that the decision affects that portion of the law which prohibits the introduction of liquor upon an Indian reservation, and am of the opinion that the law still applies to the diminished Crow Reservation.

"Eleventh. We have an agent now looking after our reservation who was appointed some three years ago, and since he was appointed he has rescued the Indians from their dormant condition and stimulated them to work and make a living for themselves as well as those dependent upon them for support, and all the Indians are of one voice in asking that he be retained for another term of four years at the expiration of his present term. We know we can make a better showing under his guidance than any man we know of. He is the best agent we have ever had. Therefore we would like to keep him for another term.

"I realize the full value of a man's effort to obtain the results of his work. If a man can't or won't work, he will have nothing; and if he can make a living and lay something aside for the future, that is his principal purpose in life."

I am glad to learn that you are so well pleased with your agent and that he is doing so much to improve the condition of the Indians. While it is not customary to give assurances regarding an appointment so long in advance, I can say that when the time comes to act upon the matter your statement will be given due weight.

"Twelfth. Now, the people in all walks of life work during week days and they gather on Sunday for different purposes. I would like to be permitted to have gatherings on Sundays. When I work during the week, I am tired at the end of the week and I want a little recreation and amusement. It is good for a man to have those in order to balance his life.

"I earnestly request that these questions be answered as soon as possible and settled definitely once for all. I wish to go home now and attend to my crops and make report of what I have done to my people. The climate here is not to my liking."

The office has your best interests at heart and is willing to allow you to have recreation and amusement after your day's work, and also on Sunday, as do the whites. Rest, as you no doubt know, is not excitement, nor is it the engaging in physical excesses or in demoralizing and degrading practices or dances. Sunday is the day when the best whites rest as far as possible from active physical labor, and recuperate for the coming week's work. It is also the day when they think of the right road and the wrong road, and what the Great Spirit wishes them to do.

The office will make no objection to your having proper recreation and amusement on Sunday, but it will refuse to sanction amusements on that day which will render you unfit for the week's work before you, and which may tend to demoralize your home life or prevent your proper progress along the line of civilization.

Your agent knows what is best for you and will no doubt permit such amusements as are proper.

Having answered your requests as favorably as possible, permit me to say that I have been much pleased with the intelligent and courteous manner in which you have made your wishes known to the office, and your evident desire for the improvement of your people.

Trusting you may have a pleasant journey in returning to your home, I am,

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

EXHIBIT Z. L. D. No. 1.

HELENA, MONT., *February 7, 1908.*

I hereby swear that the following statement is true in every particular and that the facts therein are within my own knowledge gained through personal observation:

Mathew K. Sniffen, secretary of the Indian Rights Association, has been in regular communication and consultation with Mrs. Helen Pierce Grey every day from January 25 to the present time, and Mrs. Grey told me on January 24 that Sniffen had been to see her frequently prior to that time.

The Rev. J. G. Burgess, of Crow Agency, was in consultation with Mrs. Grey each day during his stay in Helena from January 24 to January 29.

These conferences occurred in Mrs. Grey's bedroom, at 220 Fifth avenue, Helena, Mont., and at most of them there were also present Tom Doyle, Harry Thompson, and E. L. Dana, besides myself. At all these conferences the topic of discussion was some feature of the investigation by the grand jury of Mrs. Grey's and Mr. Brosius's charges concerning affairs on the Crow Reservation. The evidence already presented or to be presented by the different witnesses was usually discussed, and those witnesses coached as to what they were to say.

In the meeting on January 27, at which both Burgess and Sniffen were present, Mrs. Grey urged me to swear before the grand jury to certain statements which I told her were not true; she still persisted in urging that I should swear to them anyway, in order to help her cause. At the same meeting Mrs. Grey asked Mr. Sniffen if he (as representing the Indian Rights Association) would get bail for her in case she was put in jail, and also whether he would get her a lawyer, and to both these questions Sniffen replied: "We will do our best."

At one of these meetings I asked Mrs. Grey how she got a copy of Inspector Dalby's report, and Sniffen spoke up and said that he had sent it to her. I have since asked him when he sent it to her, and he told me that he sent it to her as soon as he obtained it from Washington, which he said was very soon after the report was submitted by the inspector. Both Mr. Sniffen and Mrs. Grey have copies of the report.

Mrs. Grey told me that Mr. Burgess showed her a letter from the Secretary of the Interior reprimanding him, and that she tried to get the letter from him to have it published in the Independent, but that Burgess would not consent to that.

Mrs. Grey told me to-day that the foreman of the grand jury had told her that the grand jury had decided to indict her. Both Mrs. Grey and Mr. Sniffen tell me that Mr. Miller, of the Indian Rights Association, has authorized Mr. Sniffen to procure bail for Mrs. Grey and to bring her East with him to meet members of the Indian Rights Association in Philadelphia, after which they expect to present the matter to Congress, with the view of securing a Congressional investigation.

F. E. SERVER.

Subscribed and sworn to before me at Helena, Mont., this 7th day of February, 1908.

Z. LEWIS DALBY, *Indian Inspector.*

EXHIBIT F. E. L. 4.

This Exhibit No. 4 is mentioned on page 25 of the typewritten report of the morning session of April 8, fourth and fifth lines from the bottom.—F. E. L.

Claims 157807. C. B. and Q. R. R. Co. Passenger transportation. F. E. Leupp, requisition No. 14337-40, $38.85. Indian Office, received September 7, 1905—claim.

UNITED STATES, DEPARTMENT OF THE INTERIOR.

GOVERNMENT TRANSPORTATION REQUEST.

No. 14337, dated Denver, Colo., July 15, 1905, in favor of F. E. Leupp and no other person, with no pounds of extra baggage, from Denver, Colo., to Crow Agency, Mont., has this 15th day of July, 1905, been signed by me and delivered to the agent of C. B. and Q. Railroad Company at Denver, Colo., transportation having been furnished therein.

Amount, $23.45, first class, through ticket.

F. E. LEUPP,
Commissioner of Indian Affairs.

(On back:) To be detached and mailed to the countersigning officer by the traveler immediately upon issue of ticket.

UNITED STATES, DEPARTMENT OF THE INTERIOR.

GOVERNMENT TRANSPORTATION REQUEST.

No. 14340, dated Crawford, Nebr., July 30, 1905, in favor of F. E. Leupp, and no other person, with no pounds of extra baggage, from Crawford, Nebr., to Billings, Mont., has this 30th day of July, 1905, been signed by me, and delivered to the agent of C. B. and Q. Railroad Company at Crawford, Nebr., transportation having been furnished therein.

Amount $15.40, first class, through limited ticket.

F. E. LEUPP,
Commissioner of Indian Affairs.

(On back): To be detached and mailed to the countersigning officer by the traveler immediately upon issue of ticket.

[Duplicate.]

Burlington Route. TA department No. 2781.

United States Government, Department of the Interior, Washington, D. C., to Chicago, Burlington and Quincy Railway Company, lines west of the Missouri River, Dr.

Remit to assistant treasurer, Chicago, Burlington and Quincy Railway Company, Omaha, Nebr.

1905.			
Aug. 25.	For transportation furnished as per orders herewith		$38.85
	No. 14340, July 30, Crawford to Billings, 1 fare	$15.40	
	No. 14337, July 15, Denver to Crow Agency, 1 fare	23.45	

I hereby certify that the rates charged for this transportation were the current and lowest rates charged the public when the tickets were issued.—G. P. A.

D. J. D. S.

If an error be found in this bill, return with all papers to assistant auditor, Omaha, Nebr.

In making voucher, please quote auditor's number shown above.

Auditor's No. ——. 8. Accounting division No. ——. Operating account No. ——. F., P., or C. Amount, ——.

Settled, October 16, 1905.

EXHIBIT F. E. L. No. 5.

This Exhibit No. 5 is mentioned on page 34 of the typewritten report of the morning session of April 8, fifth and sixth lines from bottom.

F. E. L.

[Extract from letter of Charles E. Dagenett, supervisor of Indian employment, dated March 7, 1905.]

Have just had word from the manager of the Rocky Ford beet-sugar factory saying about 500 Indians would be wanted in that district this season and saying that the matter should be attended to at once. Will go there while on this trip to the northern Pueblos.

[Extract from monthly report of Charles E. Dagenett, supervisor of Indian employment, for the period from February 20 to March 31, 1905. Report dated March 31, 1905.]

On my visit to the Rocky Ford beet fields I found the sentiment very kind toward the Indians, and an agreement for the placing of 200 in the beet fields was made, though many more than that number is wanted, and in a letter just received 1,000 is asked for, but it is a matter of transportation largely, as the distance is great and the rates are high. With the rate I am trying to get of a cent a mile in parties, it will be possible to furnish the number asked for and also to furnish Indian labor in large numbers to other beet fields in Colorado where I have been asked to. Am making the matter of rates the subject of a special communication.

[Extract from report of Charles E. Dagenett, supervisor of Indian employment, for the period ending September 30, 1905. Date of report, October 1, 1905.]

There were about 200 Indians sent to the beet fields near Rocky Ford, Colo., in May and returned home in July, making about two months' work. Of this number practically all were school boys ranging from 12 to 18 years of age. Their transportation was advanced them, costing from $9.40 to $15.00, which they repaid, and after that and their equipment and board, together with a reasonable amount for spending money given them, they returned to school with 50 per cent of their gross earnings, which averaged about $60 per capita.

Another extract from the same report:

Over 100 men and boys, nearly all from the Santa Fe Pueblos, were sent to the beet fields for the fall work, as the Santa Fe Pacific withdrew our special rates west of Albuquerque on account of the great scarcity of track laborers along their road, but on a personal visit to the general passenger agent the rates were allowed for all Indians of 18 years and under, which made it possible to send some. The wages for the fall work are still better than the spring, owing to their success there during the spring. The few older Indians in the beet fields this spring went home well pleased and made it possible to get more than five times as many for the fall, notwithstanding the much bigger crops this year among the Indians. The same man is employed to look after them this fall as during the spring. He is not bonded, but has valuable property there, and as I look over all accounts and visit them quite often the Indians are safe.

[Extract from report, dated May 4, 1906, from Charles E. Dagenett, supervisor of Indian employment, for the period ending April 30, 1906.]

Early in March arrangements were completed with the American Beet Sugar Company for the employment of Indians in the beet fields around Rocky Ford, Colo., under a very favorable agreement, a copy of which is inclosed herewith. As noted before, this work is very desirable for the Indians in many ways, especially the schoolboys, and all the Indians in a large scope of country will be given an opportunity to go, as the rates are very low and the same from all points. The best rate the company can secure will average far in excess of $5 from the points named in the agreement, but in order to place all Indians on an equal footing in this work the company pays all fares in excess of $5 each way. Indian labor in the beet fields last year proved very successful both for the Indians and for the farmers, and it was on this favorable showing and the assurance of a goodly number for the present season that these favorable terms were secured. Under this agreement Mr. Collins will be employed by the year to look after the interests of Indian employment in that section, as my representative, and, besides the beet work, homes for Indians who care to work there permanently will be found, generally at about $25 per month and all found for young men who are willing and can understand enough English to get along, or $35 per month with small house, where the Indian has a family, and board himself. Of course the hours are long and the work is sometimes very hard, being all-around farm work.

[Extract from report of Charles E. Dagenett, supervisor of Indian employment, for the year ending June 30, 1906. Report dated August 30, 1906.]

Some young men have been so placed in the beet district around Rocky Ford, Colo., and have given entire satisfaction, and a great many more could be placed there in permanent places with substantial farmers at good wages if they would accept.

The beet work in Colorado, in the Rocky Ford section, is especially desirable for schoolboys and Indians generally, as it takes them into a good, up-to-date farming community, where farming is done under irrigation as theirs have to be at home, and where the sentiment toward the Indian, while it is kindly, is not sentimental; the people there believe in having him get all he earns and in having him earn all he gets. It's the most satisfactory basis; simply giving value received on both sides. The pay is good and the work is light, so that boys from 12 years up can do about as well as men. Both the spring and the fall work last two months, which is about the length of time they care to work steady. Last year the transportation cost about 20 per cent of their gross earnings, but this spring it was materially less than that, as the beet growers paid the transportation for the Indians where it exceeded $5 each way. This was due to the satisfactory showing made by Indian labor in that section last year and to the assurance of being furnished a large number of Indian beet workers for this season. For the spring work there last season there were 178 sent to the beet fields, and this spring there were 454, and the earnings nearly $30,000 for the two months. There was practically no expense to the Government in connection with this work, as the salary of my representative there, which is $1,500 a year and other expenses, are paid by the beet growers in consideration of being furnished the labor. More satisfactory and permanent arrangements for handling Indian labor in this section are being made as the work

sses, s ses will be furnished them now instead of tents as heretofore. this w ds well in dollars and cents, that is in reality the smaller part of it, ared to vantages to the Indians derived from contact and association with und in that vicinity. This is especially so in the case of the many nt t e.

[Extract from report Charles E. Dagenett, supervisor of Indian employment, for the period ending December 31, 1906. Date of report, January 18, 1907.]

beet around Rocky Ford, Colo., this season has been very successful or the ans and for the beet growers. The Indians were well pleased with ir earnings and their treatment, as they were directly under the charge of Mr. P. Collins, who has had long and successful experience in handling Indians.

There were in the beet fields this past spring 454 Indians in all, of whom 153 were oolboys from Chiloco, and of the 301 from my district proper, 43 were from reservations.

n the fall there were only 62, all from reservations, in the beet fields, and most of m returned home before the work was finished, in order to be present at their sts, so that the earnings for the fall were very little, comparatively, but the Indians nt home satisfied.

These feasts are very numerous among the Pueblos and they will leave the most erative work and go home to attend them.

e earnings for the beet season ere $30,045.43. There was paid for rtation $5,291.40, and for s $5,096.97, leaving the net amount lians in cash as $19,657.06, e case of the schoolboys was delivuperintendents in charge of s from which they came.

[Extract from report of Charles E. Dagenett, supervisor Indian employment for the year ending June 30, 1907. Date of report July 26, 1907.]

year there were 404 Indians em the beet fields during the thinning ring the harvesting in For the thinning season this year, 20, there were 604, y 100 or more will be sent there in e fall work. Of the re this spring, 493 were schoolboys and from reservations. Those from the reservations were Hopis, Navajos, Pueblos, and Apaches, and the schoolboys from these tribes and several others. Their gross earnings for the spring work was $28,000. From their gross earnings was paid $6,000 for transportation, $6,000 paid for board, clothing, etc., and cash while in the beet fields, and the balance, $16,000, was paid them in cash when they started home, or, in the case of schoolboys, sent to the superintendent.

EXHIBIT F. E. L., No. 6.

This exhibit, No. 6, is mentioned on page 48 of the typewritten report of the morning session of April 8, top of page.

F. E. L.

[Mrs. Helen Pierce Grey, Western Correspondent, Sheridan Inn, Sheridan, Wyo.][a]

APRIL 20, 1907.

[Statement dictated by Mrs. Helen Pierce Grey.]

Mr. SECRETARY: In consideration of the fact that I have given something like six months of my time and sacrificed my own interests, financially and professionally, by turning over to you all the information that I have dug up, in order that you may make this investigation, I very much regret that I may not have the opportunity of asking you for certain information on the same subject and for permission to return to the reservation. All the statements of the Indians were given to me confidentially, with my promise that their charges should not react upon themselves in the customary manner. You say you do not see any reason why I should not return to the reservation. As I told you, I have planned to return for the religious dances to occur in the next fortnight, and do not wish to incur any annoyance; I would be very glad if you would send me permission to do so.

Address: 192 Dearborn avenue, Chicago, Ill.

Informally referred by the Secretary to Commissioner Leupp.

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[a] This was a visiting card, pinned to the sheet.

APRIL 24, 1907.

MRS. HELEN PIERCE GREY,
192 Dearborn Avenue, Chicago, Ill.

MY DEAR MADAM: Secretary Garfield turned over to me your note to him of April 20, and asked me to write you whatever I considered best under the circumstances.

I do not know what you refer to as the reaction of the Indians' charges upon themselves in the "customary manner." The only reaction of which I have any knowledge is in the case of an Indian who makes false statements; and my practice with him is to always make him feel the unwisdom of that line of conduct as sharply as I try to make the white man appreciate the consequence of the same course on his part.

As to your visiting the religious dances, I have no objection to your doing so, and will inclose a note for you if you consider that that is necessary. Of course, no one in Washington—I, or the Secretary, or even the President— would give you any permit to go upon a reservation to make trouble. We expect you to conform to the usual rules in such matters, which your own sense of courtesy and good conduct would naturally prompt you to follow.

I do feel constrained, in connection with all that has passed here, to call your attention to the fact that I have given you every facility for digging down to the bottom of all the records in the possession of the Indian Office—not, as I explained to you at the outset, for newspaper purposes, but for the purpose of discovering and helping us to discover whether there is anything wrong in the administration of affairs at the Crow Agency. I assumed at the outset that you understood the limitations in that regard, as no one here would have given you the opportunities that were afforded you on any other consideration. The investigation will be undertaken as promptly as the gentleman chosen by the Secretary can get away and begin it. In pursuance of my particular wish, the Secretary's choice is made of a man over whom I have no control, with whom I have never had more than an hour's conversation possibly in my life, and whom I did not know even by sight until the latter part of last week. Wherever a matter of this kind has come up and the accuser has shown, as you showed at the outset of your interview with me, that he feels the slightest doubt of the fairness of the Indian Office, it has always been my wish that whoever makes the investigation should be someone so completely out of my "sphere of influence" that he will judge my share of the administration quite as impartially as he does that of any of my subordinates.

Sincerely, yours, F. E. LEUPP, *Commissioner.*

APRIL 25, 1907.

MY DEAR MR. REYNOLDS: I have given to Mrs. Helen Pierce Grey, of Sheridan, Wyo., a letter of courtesy reading as follows:

"The bearer, Mrs. Helen Pierce Grey, has asked for permission to visit the Crow Reservation in Montana, for the purpose of attending some ceremonial dances of the Indians, and it is my wish that she be accorded by the authorities of the reservation every proper courtesy in the premises."

I send this notice to you to save any possible friction if she appears on the reservation for the purpose mentioned and without first presenting herself to you. Also, I feel that you ought to know of any authorization issued by the Indian Office which affects your jurisdiction.

Sincerely, yours, FRANCIS E. LEUPP,
Commissioner.

SAMUEL G. REYNOLDS, Esq.,
United States Indian Agent, Crow Agency, Mont.

To whom it may concern:

The bearer, Mrs. Helen Pierce Grey, has asked permission to visit the Crow Reservation, in Montana, for the purpose of attending some ceremonial dances of the Indians, and it is my wish that she be accorded by the authorities of the reservation every proper courtesy in the premises.

F. E. LEUPP, *Commissioner.*

APRIL 24, 1907.

EXHIBIT F. E. L. 7.[a]

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, April 14, 1908.

MY DEAR SENATOR: The Office files have been thoroughly searched for the two telegrams which Mrs. Grey asked for—one sent to me by Mr. Murphy, the cattleman, from Helena, Mont., and the other by a Mr. Collins from the Waldorf-Astoria Hotel in New York, but nothing answering these descriptions can be found.

I have found, however, a telegram from John T. Murphy at Helena to Jeremiah Collins in this city, and pinned to it a long typewritten protest from Mr. Murphy, signed by Mr. Collins as his attorney, with an accompanying petition signed by the attorney in his own character. These may be the papers which Mrs. Grey refers to.

As the protest and petition were not acted upon by the Office, but submitted to the then Secretary of the Interior and passed upon by him, I send with them the correspondence drawn out by the case, since it shows the reasons actuating Secretary Hitchcock in deciding adversely to the protesting bidder.

I inclose herewith, also, the correspondence between Agents Reynolds and my Office as to bringing on the Crow delegation now here. This was the other exhibit, I believe, called for by Mrs. Grey.

Sincerely, yours,

F. E. LEUPP,
Commissioner.

Hon. M. E. CLAPP,
Chairman Committee on Indian Affairs, U. S. Senate.

EXHIBIT F. E. L. 8.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., February 18, 1908.

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: According to instructions received from your Office, Inspector McLaughlin called a council of these Indians to meet at this agency on Tuesday, February 11, for the purpose of consulting with them regarding the Dixon bill for opening, after allotments had been made to those now entitled to receive same, the surplus lands of their reservation, and also the matter of forming a horse company, as outlined in another bill introduced by Senator Dixon. The complete minutes of the council were forwarded to the Department on Monday, February 17. The council was composed of 94 of the leading Indians of this tribe. I am sure that when you read the different speeches made by the Indians that you will be very much interested in what they said. You will notice that Major McLaughlin explained very fully the feeling of the Department on the subject of opening up the surplus lands of all reservations. While the Indians knew in a general way that such a bill had been introduced, yet very few of them knew in detail the purport of the measure. Since the middle of December I have been away from the reservation a great deal, substantially the most of my time being taken up by my appearance before the grand jury at Helena, and I have had no time to explain or talk to the Indians regarding the bill since its introduction, consequently its purport came as a great surprise to the Indians, as you will notice by their speeches made on the first day of the council.

After meeting with the Indians from 2 o'clock until 5 o'clock p. m. and explaining fully to them the provisions of the bill, and after listening to their speeches, Major McLaughlin advised them to go into council among themselves and study the matter over carefully, and when they had reached an agreement he would take the matter up further with them. They returned that evening after supper and were in council until 11 o'clock, when they adjourned to meet the next morning. On the following morning they were in council until noon, when they notified Major McLaughlin and myself to come down at o'clock p. m., as they had gone over the bill and were then able to talk upon the subject more intelligently than they had the previous afternoon. You will notice that the speeches made upon the second day were from an entirely different viewpoint than those made upon the first day. When they were in council among themselves, they called upon the various young men who were educated and had sufficient knowledge to read and explain the bill intelligently. The young men

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[a] See "Exhibit F. E. L. 9," p. 599 et seq., for correspondence referred to in this exhibit.

also had access to the letter you wrote me on January 17, and, talking the matter over fully with the old Indians, they came to the conclusion that it was better for them to meet the proposition according to your instructions than it would be to stand out and oppose it. They were unanimous, as you will discover from the minutes of the proceedings, in asking that a delegation of young men be sent to Washington, together with Major McLaughlin and myself, to confer with you and the committees of Congress regarding the changes that might be made in the bill for their benefit. They elected the following committee of six: Plenty Coos, Carl Leider, Frank Shively, James Hill, David Stewart, and Horace Longbear. George Pease, who was the third person proposed, was the unanimous choice of the council, but he reported at that time that he would be unable to go. George Pease is one of the brightest young men of the tribe, and is conducting a trading store at Lodgegrass.

On the morning after the committee was elected a delegation of twenty or more Indians, mostly living in the Lodgegrass district, called upon Major McLaughlin and requested that the name of George Pease be substituted for that of Horace Longbear, they giving as reason that Lodgegrass, the second important district of the reservation, had no representative, while the Big Horn district was represented by three—Carl Leider, James Hill, and Horace Longbear. The following day a council was held by the Indians at Lodgegrass and they were unanimous in asking that George Pease be made a member of the committee in place of Horace Longbear. George Pease consented and said he would go as requested by the Indians provided the authority for him to do so was granted and I would recommend that his name be considered by your Office in place of that of Horace Longbear. The Pryor district called a meeting and they made request of Major McLaughlin that the name of Alexander Upshaw be added as a seventh member of the committee. I was surprised that Alexander's name was not voted upon at the council, as he is probably the brightest and best-educated Indian of the reservation, besides being a full blood. I understand, however, from later talks that the Indians had with me that it was understood that Alexander was too busy assisting Mr. Curtis (the photographer) to get away at this time. Word has come, however, that Alexander is very anxious to be one of the delegates, and I am sure he would be the unanimous choice of the whole tribe.

Since Major McLaughlin left the Indians have been coming to me and expressing themselves as being very much satisfied with the proceedings. Quite a large number of representative Indians have requested me to ask if Scolds the Bear, Big Medicine, and Looks With His Ears can be authorized to accompany the committee to Washington. The three Indians last named are full bloods and uneducated, but stand very high in the opinion of the members of the tribe and have done as much toward helping to better the condition of the reservation as any other three men in the tribe. It would personally give me a great deal of satisfaction to see these three men authorized to go to Washington, as they have been absolutely loyal through all the turmoil and trouble that has caused uneasiness among the Indians the past year, and they have done more to bring about a settled condition and harmonious feeling among the Indians than any others I could mention. The committee that I believe should be authorized to go to Washington is Plenty Coos, Carl Leider, Frank Shively, James Hill, David Stewart, George Pease, Alexander Upshaw, Scolds the Bear, Big Medicine, and Looks With His Ears.

You will notice that the council was unanimous in requesting that the expenses of this delegation be paid from any funds belonging to the tribe that could be made available. By reference to the late Crow bill, approved April 27, 1904, page 3, it reads: "Three thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside to pay the expenses of ten Crow Indians, two interpreters, and the agent to visit Washington at such time as permission is received from the Secretary of the Interior." I am satisfied that this committee will readily consent to any legislation that you and the Secretary may deem advisable for their best interests. It will give the Crows a great deal of satisfaction to be represented by the committee they have chosen, and the action of the committee will be approved by the tribe as a whole. In view of the fact that this tribe has an appropriation for this purpose and the hearty manner they are willing to meet your suggestions in their behalf and the good feeling it will engender to the whole tribe, I respectfully recommend that the list of names submitted be authorized to go to Washington at as early a date as possible.

Very respectfully,

S. G. REYNOLDS,
United States Indian Agent.

CROW INDIAN RESERVATION.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 2, 1908.

LDS,
nt Crow Agency, Mont.:

rity mailed you 29th ultimo for self and delegation to visit Washington. In- fcLaughlin engaged on important work in South Dakota. He will be instructd vire you the probable date when he can leave for Washington. Hold delegation il you hear from him, so that you may be here at the same time.

LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 29, 1908.

Mr. S. B. HEGE,
Passenger Agent Baltimore and Ohio Railroad Company,
Washington, D. C.

SIR: Please furnish transportation to the United States Indian agent, Crow Agency, M h a delegation of ten Indians of the Crow tribe, from Crow Agency, Mont., t on, D. C. First-class limited tickets are required.

tickets to the order of S. G. Reynolds, United States Indian agent. Pay- therefor will be made by this Office in the usual manner.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 29, 1908.

UNITED STATES INDIAN AGENT,
Crow Agency, Mont.

SIR: Acknowledging receipt of your letter of the 18th instant, relative to permission for a delegation of your Indians to come to this city for the purpose of consulting in regard to the Dixon bill for opening the surplus land of your reservation, you are informed that authority has been granted you to come to this city, with the delegation of ten Crow Indians mentioned in your letter, and when ready to come you will apply to the agent of the railroad at your station for tickets, as arrangements have been made with the Baltimore and Ohio Railroad Company to furnish the same to you. Payment of the expenses will be made from the funds provided for in the agreement of 1902, mentioned by you, and your expenses from "Contingencies, Indian Department, 1908."

When ready to leave your agency notify this Office by telegraph.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., February 18, 1908.

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: I respectfully request that authority be granted me to visit Washington for the purpose of consulting you in regard to matters pertaining to the interest of these Indians.

The unsold agricultural land of the ceded strip; the leasing of individual allotments, obtaining trust patents for Indians on Schedule A; the matter of day schools upon this reservation are among the important things that I would like to talk over personally with your Office.

Very respectfully,

S. G. REYNOLDS,
United States Indian Agent.

[Telegram.]

CROW AGENCY, MONT., *March 16, 1908.*

COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.:

Delegation of ten Indians leave in morning for Washington.

REYNOLDS, *Agent.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 26, 1908.

COMMISSIONER OF INDIAN AFFAIRS.

SIR: Authority is hereby granted for the United States Indian agent, Crow Agency, Mont., to come to this city with a delegation of ten Crow Indians, for the purpose of consulting with the Department and your Office in relation to certain legislation pending before Congress (Senate bill 2963) opening the balance of their reservation, etc., as recommended by Inspector McLaughlin in his letter of the 17th instant and that of Agent Reynolds, of the Crow Agency, Mont., of the 18th instant, submitted by you and herewith returned, and for the payment of their actual necessary traveling and incidental expenses in coming, while here, and in returning to their agency, payment to be made for the expenses of the delegation from "Fulfilling treaties with Crows (cession of lands)" (33 Stats., p. 358), and of the agent from "Contingencies, Indian Department, 1908."

Very respectfully,

JESSE E. WILSON,
Assistant Secretary.

EXHIBIT F. E. L. 9.

[Telegram.]

HELENA, MONT., *May 8, 1905.*

JEREMIAH COLLINS, *Colorado Building, Washington, D. C.*:

I want four for sheep alone; have plenty range for cattle.

JOHN T. MURPHY.

Before the honorable Secretary of the Interior. In the matter of proposals for leasing district No. 4, Crow Reservation, in Montana. Protest by John T. Murphy against the rejection of his best and highest bid for said privileges.

Now comes John T. Murphy, of Helena, Mont., by Jeremiah Collins, his attorney, and enters this his just and emphatic protest against the action of the Department in rejecting all bids, and particularly protestant's bid, the best and highest bid of those submitted April 27, 1905, for leasing district No. 4, on the Crow Indian Reservation, Mont., and in letting said district to C. M. Bair, whose bid under the proposals invited was $1\frac{3}{4}$ cents an acre a year as against $2\frac{1}{10}$ cents an acre a year by protestant, said letting to C. M. Bair being under the "permit system," without competition, without notice to protestant, and apparently to anyone else, and as protestant believes and asserts, contrary to the best interests of the Department of the Indian Service and of the Indians.

Protestant respectfully requests an opportunity to be heard and make due and proper representations to the Department before the noncompetitive award of May 5, 1905, to C. M. Bair is consummated.

JOHN T. MURPHY,
By JEREMIAH COLLINS, *His Attorney.*

STATEMENT.

In support of this protest by Mr. Murphy, it is respectfully represented that under date of March 15, 1905, the honorable Commissioner of Indian Affairs invited bids or proposals for the leasing of districts Nos. 1, 2, and 4, on the Crow Reservation, said bids to be received until 2 o'clock p. m., on Thursday, April 27, 1905, and to be opened immediately thereafter in the presence of such bidders as may attend. Mr. John T. Murphy, this protestant, in perfect good faith, submitted a proposal for the leasing

described in the poster issued by the Commissioner of Indian March 15, 1905. Accompanying his said bid was a certified ,700, his said bid being apparently in all respects regular and the requirements of said poster.

ing bids were submitted for the leasing of district No. 4, as opened and e Acting Commissioner of Indian Affairs on April 27:

Helena, Mont., $2\frac{1}{10}$ cents per acre per annum.

ey, Billings, Mont., $1\frac{3}{8}$ cents per acre per annum.

ings, Mont., $1\frac{3}{4}$ cents per acre per annum.

Murphy is the highest and best submitted, and is better by $\frac{1}{20}$ of a bmitted by C. M. Bair, to whom an award has now been made under the "permit system."

bid submitted by this protestant, the Government or the Indians would per annum for the lease of district No. 4. Under the award without etition to C. M. Bair the Government may receive only $7,000 per annum, the award being for the pasturage of sheep only at the rate of 20 cents per head, the imum r l to amount to $7,000 per annum. There is no assurance that the ar ll receive more than $7,000 a year under the award to Bair, while it is of $8,400 a year under the bi bmitted by this protestant.

een rejected for any proper r n and an award or an arrangement one who not a bidder on s favorable to the Government or no reasonable ground for objection or protest. But in nder the invitation of the Department for proposals, and est of those submitted. If Mr. Murphy had not come to ed a bid of $2\frac{1}{10}$ cents an acre per annum, Mr. Bair's bid of $1\frac{3}{4}$ cents highest and doubtless he would have insisted on its acceptance presence arrangement under the permit system. It would appear observer that he was not acting in entirely good faith with the Department.

There is nothing stated in the poster of March 15, 1905, as to the character of stock e grazed on the reservation. The suc lder would apparently be entitled se his privilege for cattle, sheep, or all of them. If the Department prefers that sheep only should be grazed in this district, it meets exactly the wishes of Mr. Murphy, who intended to use the grazing privilege for that purpose alone. This is shown by a telegram I received from him May 8, 1905, which telegram is hereto attached and marked "Exhibit A."

I may state in this connection that Mr. John T. Murphy is president of the Montana Stock Association, and has held that position for a great many years; that he is one of the leading stockmen engaged in both cattle and sheep growing in the State of Montana; that he is a man of the highest financial responsibility and personally of high character and reputation. Any contract or agreement he would make with the Department would be faithfully and honorably carried out. He believes he has not been fairly treated in this matter and requests that the noncompetitive award made to C. M. Bair may be reconsidered and the contract or lease granted to him under his best and highest bid submitted on April 27, 1905. He considers that he is at least entitled to a hearing before final action is taken and any award in favor of C. M. Bair is consummated.

Very respectfully submitted.

JEREMIAH COLLINS,
Attorney for John T. Murphy.

Before the honorable Secretary of the Interior. In re protest of John T. Murphy against award of grazing privilege to C. M. Bair. District No. 4, Crow Reservation, Mont.

Referring to the protest of Mr. Murphy in the above-entitled case, I deem it proper to submit a few additional words of explanation.

As I am authoritatively advised, representation was made to the Department, doubtless without a knowledge of the facts and with no wrongful purpose, to the effect that the protestant herein is a cattleman and not interested in wool growing; that he desired the lease of district No. 4 for the grazing of cattle only. Representations to this effect were made and they were no doubt influential in determining the action of the Department in rejecting all bids and making an award to Mr. Bair (an unsuccessful bidder under the proposals submitted April 27, 1905), noncompetitive in character. It seemed to be the desire of the Department and of the Indians to let district No. 4 to one who would graze sheep therein only. Assuming from the ex parte, and, as it *appears, erroneous* and misleading information offered on the subject, that Mr. Murphy

is an extensive cattle owner, and not a sheep owner, and that he intended to use the lease for the grazing of cattle, all bids were rejected under the right reserved by the Department and a renewal of Mr. Bair's "permit" authorized.

The apparent injustice to Mr. Murphy grows out of the fact that only one side of the case was heard and that untruthful representations were made, perhaps because of a want of knowledge to the fact. The fact of the matter is that Mr. Murphy is one of the pioneer woolgrowers of Montana, and has been engaged continuously in the business of sheep raising in that State and Territory for more than twenty-five years. I speak of these matters from personal knowledge. I have known him for that term of years and my relations with him are, and have been, such as to entitle me to speak knowingly on the subject. He has four or five large sheep ranches in different parts of the State, and is the owner of many thousands of head of sheep. If the question of his being engaged in a large way in this business is to be taken into account, Mr. Murphy is entitled to as much consideration as Mr. Bair or anyone else.

The circular or poster of the Department, dated March 15, 1905, inviting proposals for leasing grazing on three districts of the Crow Reservation, Mont., is silent as to the kind of stock that may be put on the reservation by the successful bidder. The bidder was not required to specify the kind of stock he would graze in submitting his proposal. It is admitted this is a matter within the control of the Department. If it is for the best interest of the Indians, and all concerned, that sheep only should be grazed on District No. 4, the successful competitor may be required to put sheep and no other kind of stock on that district. The protestant does not object to such a rule, but he does strenuously object to being shut out unceremoniously upon representations that are not true, and which appear to have been controlling in this case.

Mr. Murphy's bid was the highest of three submitted, and considerably higher than the next best bid, that of Mr. Bair. He was a competitor for this privilege, with the view of using the land for the grazing of sheep, and that fact could have been determined by the Department by a simple inquiry. It is respectfully submitted that it was not fair to the successful bidder to accept ex parte statements about his not being regularly engaged in the sheep business and to allow these representations to have a controlling influence.

It is not desired to submit anything additional at this time, the purpose of this statement being to correct what appears to have been an erroneous impression created by statements not founded on fact, and in view thereof, to request reconsideration of its action in this matter by the Department.

Very respectfully,

JEREMIAH COLLINS,
Attorney for Murphy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 15, 1905.

JEREMIAH COLLINS, Esq.,
Attorney for J. T. Murphy,
Colorado Building, Washington, D. C.

SIR: You are advised that your recent communications protesting against the action of the Department in rejecting all the bids on grazing district No. 4, Crow Reservation, Mont., and awarding the district to C. M. Bair, under the permit system, have been submitted to the Secretary of the Interior for his information.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, May 18, 1905.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: I return herewith the protests of Mr. J. T. Murphy against Department action of 5th instant, in rejecting the bids on grazing district No. 4 of the Crow Indian Reservation, and awarding the same to Mr. C. M. Bair, which were submitted with your letter of 15th instant for the information of the Department.

The action taken by the Department was in accordance with the wishes of the Indians, and was deemed for their best interests and for the interests of the service, and the same is final.

Very respectfully,

E. A. HITCHCOCK, Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 22, 1905.

:EMIAH COLLINS, Esq.,
Attorney at Law, Colorado Building, Washington, D. C.

You were advised on the 15th instant that the protests of John T. Murphy the action of the Secretary of the Interior, in rejecting all the bids on grazing No. 4, on the Crow Reservation, and awarding the district to C. M. Bair, under mit system, had been submitted to the Secretary. The Office is now in receipt ·ly from the Secretary, dated the 18th instant. He states that the action by artment was in accordance with the wishes of the Indians, and was deemed best interests and for the interests of the service, and the same is final.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

List of papers submitted by the Secretary of the Inte ior at the request of the committee.

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en ch s presented by Mrs. Grey i l, 1907, being an undated ld ed to the Commissioner of I Affairs, unsigned, but pre- . Grey, and accompanied by purports to be an unsigned petition of certain Crow Indians, etter dated "White Rocks, 18," addressed "Dear Charlie," gned "Howard C. Means," ouse Report No. 1167, Fifty-seve ongress, first session (pre- the hearing and referred to as "E t J. R. G. No. 1") 603–622

ed Crow Agency, Mont., June 1, 1907, from Z. Lewis Dalby, Indian tor, to the Secretary of the Interior 622–623

lated Crow Agency, Mont., June 8, 1907, m Z. Lewis Dalby, Indian ctor, to the Secretary of the Interior, a mpanied by chronological of correspondence referred to therein 623–636

rt dated Crow Agency, Mont., August 12, 1907, from Z. Lewis Dalby, Indian inspector, to the Secretary of the Interior (general report accompanied by various exhibits and by letter of November 30, from Inspector Dalby to the Secretary, transmitting record of hearing before him on June 25, 1907, referred to in said report. The text of this report was presented during the hearing and referred to as "Exhibit J. R. G. No. 2") 636–697

Report dated Crow Agency, Mont., August 12, 1907, from Z. Lewis Dalby, Indian inspector, to the Secretary of the Interior (in regard to Mrs. Grey's arrest by Agent Reynolds, and accompanied by letter dated "Crow Agency, Monday," from Mrs. Grey to the President, upon that subject) 698–699

Letter dated Crow Agency, Mont., July 14, 1907, from Z. Lewis Dalby, Indian inspector, to the private secretary to the Secretary of the Interior (in regard to visit to Crow Agency by S. M. Brosius, agent of the Indian Rights' Association) 699–701

Letter dated C., B. and Q., train No. 45, en route to Billings, July 15, 1907, from Z. Lewis Dalby, Indian inspector, to the private secretary to the Secretary of the Interior (in regard to visit to Crow Agency by S. M. Brosius, agent of the Indian Rights' Association) 701

Letter dated Crow Agency, Mont., July 21, 1907, from Z. Lewis Dalby, Indian inspector, to the private secretary to the Secretary of the Interior (in regard to visit to Crow Agency by S. M. Brosius, agent of the Indian Rights Association) 702

Letter dated Washington, D. C., July 23, 1907, from S. M. Brosius, agent Indian Rights' Association, to the Commissioner of Indian Affairs 702–706

Letter dated Washington, September 4, 1907, from Z. Lewis Dalby, Indian inspector, to the Commissioner of Indian Affairs (returning and commenting upon letter of July 23, 1907, from S. M. Brosius to the Commissioner of Indian Affairs, above referred to) 706

Letter dated Washington, D. C., October 21, 1907, from Z. Lewis Dalby, Indian inspector, to the Secretary of the Interior (returning and commenting upon letter of October 9, 1907, from J. Rodman Paul and others, of the Indian Rights' Association, to the Secretary of the Interior, see pp. 99 and 741) .. 707–708

Report of hearing before the Secretary of the Interior on October 30, 1907, upon charges preferred by the Indian Rights' Association against Z. Lewis Dalby, Indian inspector 708–741

Page.
Memorandum dated October 31, 1907, and signed Z. Lewis Dalby, Indian inspector 741-742
Memorandum dated November 5, 1907, and signed Z. Lewis Dalby, Indian inspector 742-744
(The record and the two memoranda last above referred to were bound together and submitted during the hearing and referred to as "Exhibit J. R. G. No. 3.")
Letter dated Washington, D. C., November 5, 1907, from Z. Lewis Dalby, Indian inspector, to the Secretary of the Interior (being supplemental answer under oath to charges by the Indian Rights' Association, and including as Exhibits A and B copies of letter of October 23, 1907, from Dalby to Reynolds, and of letter of October 27, 1907, from Reynolds to Dalby) 744-747
Letter dated Philadelphia, November 6, 1907, from Charles C. Binney and others (of the Indian Rights' Association) to the Secretary of the Interior.. 748-750
Letter dated Washington, D. C., November 8, 1907, from Z. Lewis Dalby, Indian inspector, to the Secretary of the Interior (commenting upon letter of November 6, 1907, from Charles C. Binney and others, of the Indian Rights' Association, above mentioned) 750-763
Letter dated Crow Agency, Mont., January 29, 1908, from Fred E. Miller, clerk, to S. G. Reynolds, Indian agent (regarding visit of M. K. Sniffin, secretary of the Indian Rights' Association, to Crow Agency) 764-766
Letter dated Crow Agency, Mont., February 13, 1908, from S. G. Reynolds, Indian agent, to the Secretary of the Interior (regarding visit of M. K. Sniffin. secretary of the Indian Rights' Association, to Crow Agency, and inclosing additional statement by Fred E. Miller, under date of February 8, 1908, upon the same subject) 766-767

EXHIBIT J. R. G. No. 1.—MRS. GREY'S CHARGES.

[By Mrs. Helen Grey, 208 Bee building, Omaha, Nebr.]

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In beginning this statement I wish to say for myself that I went to the Crow Reservation last October on telegrams from Mr. Lee, of Collier's Weekly and Ridgway's Weekly that they wanted a story of the Crow fair. I am a free lance western correspondent, and have a syndicate of my own papers, coming to Washington accredited by the Chicago Record-Herald to their Mr. Curtis. I have been on the reservation most of the time since October. I lived one month at the school building at the agency and the rest of the time have been on the reservation among the Indians. It is not with any pleasure or profit to myself in being regarded as a "mischief-maker on the reservation" that I have followed up my investigation on the Crow Reservation, but because I have been unable to get away from it.

While it may be impossible to do anything with the things that are past, if it can be shown that the Crows have been outrageously robbed by those who are now in power, absolutely, on the reservation, it may end the present and future continuation of the same system.

MATTER OF HORSES, ALLOTMENTS, AND FENCES.

Very few of the Crows know or can find out the boundaries of their allotments. Many of the allotments are fenced into the leases and the Indians are not able to use them or get the lease money from them. None of the Indians I know of have patents or papers of any kind to show that they have any land. In many instances in the past allotments have been made to Indians—they have cultivated and improved their places, but have found later it was not their own land.

It is said that the Crows prefer to live in tepees. This was true in the old régime when there was plenty of buffalo hunting and moving as wood became scarce. The now use cheap blankets and bedding in place of hides. Wood is not to be had. To burn coal they must use a walled tent in which to place a stovepipe. The bedding laid on the ground absorbs the moisture and the tent becomes cold as the fire grows low, causing pneumonia. The coal has to be paid for, and few of the Indians have any source of income during the winter except from the sale of hay, of which none of them have much, and the sale of stock, and the wages from building houses. As few houses are built, few of the Indians have this income.

I should say three-fourths of the Crows have no houses, have been unable to get them, and have no prospect in the future of getting them. Some of them have cut and hauled logs on the promise of help and lumber with which to build the houses, still being unable to get them. If one goes into an Indian's financial income and outgo, instead of finding him always improvident and extravagant, I have found many of these Crows startlingly shrewd and methodical in their hoarding of small sums with which to provide not only for their own families, but for those who are unable to work. I have never been to the house of a Crow without finding old and blind or disabled people, often no relation beyond the tribal one, with whom he was sharing his own necessaries. Many of these dependent Indians have inherited lands. They have repeatedly asked information concerning the money from these lands, and do not know where they have been allotted or whether these lands have been sold. Others who have been allotted around Fort Custer have repeatedly asked that the money which should have been paid sometime ago into the Treasury for these lands, should be expended for them in cattle, in order that they might not continue to be burdens upon friends. This has been refused.

For five years the Crows have been living on the sales of their horses. They have few left except what have been rejected from year to year by the buyers. When an Indian must raise money he sells what stock he has. In one case, Lottie Shell Bird, St. Xavier, had to have $250. Her husband had been arrested for the alleged killing of sheep. He needed an attorney to defend him. She went to Mr. Connelly, the farmer at St. Xavier, and asked him to take horses as security and loan her the money until she could get it by selling them in the regular way. Her husband's brother, Horace Long Bear, for the same purpose of raising money to defend Medicine Shell Bird, asked Mr. Connelly to help him raise money on his horses. Mr. Connelly replied that they would have to go to the horse buyers. The result was that they raised $500, which was paid to a lawyer in Billings by the name of Johnson, from the horse buyers, who took horses of probably three or four times the value they paid. Connelly, it is said by everyone, stands in with the horse buyers. He will not allow any but his selected buyers to buy from the Indians. As the Indians were working on the ditch camp during the time of rounding up their horses for six or seven years, there are as many mavericks as there are branded horses. The mavericks are always run in and sold. No account of the proceeds has ever been obtainable. It is believed by the Indians generally that Mr. Connelly gets a commission on all the horses that are sold, thus cutting down the price the Indians should receive. I was informed by Mr. Connelly's daughter-in-law that he was expecting quite a sum of money about Christmas time as return for his wheat that he runs through the agency mill. There are many other charges made against him by the Indians in connection with the women.

Some of the Indians are able to get wire and lumber issued without payment for all their needs. Others can get nothing. The Indians believe the reason for this is the spy system organized on the reservation by the agent. The Indian who will "pack news' beng favored, while those who will not spy upon their neighbors can get nothing.

A secret society was formed among the Indians about a year ago, called the Crow Indian Lodge, to act, for one thing, as a check on the spy system organized by the agent, and which the Indians believe is corrupting their young boys and girls, who are useful because they speak English, as well as the men of the tribe. A specific case is that of George Pease. While I was on the reservation in March George Pease went to Billings and got drunk—stopped off at Toluca and got drunker. He was in such a condition that the man that keeps the lodging house telegraphed Major Reynolds to send someone for his Indian, as they did not want him to die on their hands. Major Reynolds sent his policeman and brought George Pease back to Lodgegrass and sent him up to Frank Gordon's. I was staying at Gordon's and saw George Pease when he came there. Everybody knew that George Pease had been on a spree; that he is in the habit of going on them, and that he was verging on delirium tremens when brought back to Gordon's. Major Reynolds was at Lodgegrass paying the annuities at the time. I saw him and talked to him. He, to cover up George Pease's condition, telegraphed to Doctor Tucker, Crow Agency, that George Pease was ill—for him to come to attend him immediately. Doctor Tucker came down on the next train, heard the facts of the case, and went back to Crow Agency without seeing George Pease. George Pease just at this time was acting as his spy in reporting the doings of the Crow Indian Lodge. I attended the meeting of the Crow Lodge, had been staying at George Pease's house, and know positively that it was through George Pease that Major Reynolds got his information. He (George Pease) is the son of Major Pease, who was the first Indian agent. He has the best place on the reservation, all the wire he wants, and plenty of money.

As another instance of this spy system is Jim Carpenter, an intelligent young man *who came to me* in despair, saying, "There is no use for me to try to do anything."

He was asked by Major Reynolds some questions, which he answered by telling Major Reynolds to ask the Indians themselves, saying he would not be a spy or a traitor to his own people. A short time afterwards a white man brought whisky on the reservation, which he was going to sell to the Indians. With some others, Jim Carpenter got hold of this whisky and got drunk. Together with the white man he was arrested and taken to Helena. The white man was sent to the penitentiary. Friends of Carpenter offered bail, but Major Reynolds said he wanted to punish Carpenter and could not get at him any other way and wanted him to stay in jail. He was kept in jail at Helena for six months without a trial, waiting for the grand jury, which discharged him.

Among the Indians who have tried to get lumber and help to make a home on his allotment is Ben Spotted Horse. I know him personally, have visited his tepee, and taken meals with his family. He is at present living in a tent. About the first of February the farmer at Lodgegrass allowed him lumber and help to start his home. The house was partially up by the 1st of March, when the order was given to stop building the houses. All over the reservation are houses that have been standing, some for many months partially built and exposed to the weather. Ben Spotted Horse has a stepdaughter Tilly. She left school, at about 15 years of age, on account of poor health. Having no house, the family lived with Packs the Hat. I have been to Packs the Hat's home. He is one of the thriftest Indians on the reservation and one of the finest men, as a man, I have ever known, being reliable, honorable, and in every way upright. He has a house of three rooms on Rotten Grass. Living with him and dependent upon him are always 10 or 20 Indians, mostly old, blind, or diseased. I asked him why he had them hanging onto him, that he could never get anything ahead. His reply was: "Where shall I send these people, they have nothing?" There was no place in his home for a young girl who had been living at the school, always guarded. Packs the Hat and Ben Spotted Horse married her in the Indian custom to George Suess. It seemed to them the only course to prevent worse. Tilly was very unhappy.

After four years Tilly left her husband, who was openly profligate and failed to support her. He was employed in the office of Mr. Rankin, the engineer at the agency. Tilly asked Major Reynolds to allow her a divorce. He refused. She went to work and earned enough to go to Billings to a lawyer named Blake, and paid him $10 to begin her divorce. He wrote to the agent, who told him to send Tilly back to the reservation, which he did. She was arrested and put in jail for thirty days. Blake wrote her that she owed him $15, as she had promised him $25 for getting the divorce. She sent him the money. Tilly says that she had no opportunity of talking to the agent. She asked Smooky, the agent's servant, an old colored man, if he did not think she had gone through enough ceremonies to have the divorce. He told her he thought she had. She returned home soon after and married Ben Hillside. Both were arrested by the agent. Tilly stayed one month in jail and Hillside is still detailed at the agency to work. All this time her husband, who is well educated, useful around the agency, has drawn Tilly's annuity.

Every girl and boy who returns to the camp has some such story. That they fall into evil is as much due to the fact that the girl has no proper home to go to, as that she has been shut up from 12 years of age to 18 and had no teaching or no experiences that would help her, and no knowledge of what camp life is until she is thrown into it with every opportunity for license and none for right. She is taught at school that her parents are ignorant and know nothing and she loses faith in them by the years of teaching and separation. She sees the attitude of the white man to the Indian; fully understands that the Indian has always had the worst of it; that the white man seldom keeps faith with the Indian, and nothing is given her in place of the relation destroyed.

Home life with the Crows, the strong love of parents for children, and their wisdom, patience, and affection with the little ones is something that is worth while, and is all the Indian has. The need of houses, not known in their nomad days, is destroying this home life.

I find $10,000, $5,000 in appropriations for these houses, besides a steady expenditure in the agent's account for lumber. Many of the houses were built of Fort Custer lumber. The Government furnishes lumber only for floor, ceiling, and shingles. Besides the lumber is the labor—I should estimate that the houses must cost some thousands of dollars each.

CONCERNING SHEEP ON THE CROW RESERVATION.

C. Bair has permits for 35,000 sheep to be on 400,000 acres of unallotted land. In his letter to the Department concerning the bid of Mr. Murphy, which was much higher than his own, he says that he purchases, in excess of the lease money, about $10,000 worth of produce, and that he pays the Indians for any depredations his sheep may cause.

I find that Plenty Coos, chief of the Pryor district, and Spotted Rabbit, of the Mission district, made a complaint to the Department of depredations by the sheep; also that there were too many sheep on the reservation. I have read Major Reynolds's reply to your questions about this complaint. Spotted Rabbit, one of the most reliable Indians of the Mission district, came to me personally and asked if there is nothing the Indians can do; that his letters to Washington receive no consideration; that there were many more sheep than there should be in the Mission district; that the Indians were not allowed to fence their allotments, as the sheep were on their land. He was one of the Indians who went to Sheridan in the futile attempt to get information on this subject to me in Sheridan and was arrested, as I will describe later. I suggest that Spotted Rabbit be allowed to say what he knows. I will mention in this connection the case of Horace Long Bear. He is an educated Indian who has served a term of five years in the Regular Army, being sergeant. He told me he had a field of 20 acres of alfalfa, fenced, with a house on it. His home is some miles away from this field. When he came to his alfalfa field to cut the hay he found his fences out; that the sheep had gone over his field, destroying it; that the cook stove from his house had been carried outside and used by Bair's herders. He made a complaint of this to Major Reynolds, but has received the reverse of satisfaction.

Another case is Joe Cooper, on Soap Creek, who last summer allowed Bair's sheep to use his range, I think about 1,500 acres. Bair promised in payment a good team of horses, that he would fix up Cooper'shouse, and put in irrigation ditches. None of this had been done, Bair telling Cooper that if he did all of this Cooper, as an Indian, would do nothing for himself. When I asked Major Reynolds about it he replied that Joe Cooper was a worthless man, who left his family without provisions; that Bair had been obliged to take care of them. This I know personally to be untrue. His wife is a graduate of Hampton, living after her graduation for some little time with Mrs. Stokes in New York. Cooper is also well known to the Reverend Mr. Burgess, of Crow Agency, who helped him when he removed his children from the Government school for serious causes, and furnished him money to send them to Santee.

I find no permit for Bair to run his sheep in the Lodgegrass, Soap Creek, or Rotten Grass district. I personally know that he has ten bands between Lodgegrass and Soap Creek, averaging, as the herders told me, 3,000 to a band. This district, like many districts in Wyoming and Montana, has little or no snow in the winter time, the Indian name for the district being Warm Creek. If snow falls it seldom lies on account of the chinook winds. The district is particularly valuable for sheep such as Mr. Bair runs. He is in the habit of buying weaned lambs, which he handles as a feeder only. This district being warm, without snow during the winter, and with a great abundance of grass, can not be surpassed in all Wyoming or Montana.

In this district the allottees can not get wire to fence their allotments, Bright Wings, who owns a large allotment here, got out and set cedar posts for some 5 miles, but has been unable to get wire for the same. Big John, another Indian, now dead, did the same. Joe Cooper, Ben Spotted Horse, are others whom I personally know have tried to fence this district, but have been prevented from doing so. Mr. Bair has bought the Indians' hay in this district, the Indians having no other source (except sale of stock) of income, being compelled to sell to him. Last summer the Heinrich cattle were turned onto their grazing land and unfenced allotments, giving the fenced Heinrich lease, so called, a chance to recuperate. In about September the cattle were returned to the fenced lease and Bair's sheep were run on this land. This grazing land is all the Indians have to depend on this last winter, what few horses and cattle they have being this spring in a deplorable condition, their horses unfit for any farm work. In buying the hay the sheep are run over the fields and in the neighborhood while the hay is fed to the weaker ones, with the result that this coming year there will be very much less hay than heretofore, the hay being entirely wild grass. He has not paid anything like $10,000 to the Indians. He buys the hay as he has use for it, measuring it up after standing all winter, the Indians not daring to sell to anyone else, as Bair has contracted for it, although there are others who would like to buy the hay. Bair tells them he is not obliged to buy the hay and only does it as a favor.

In paying the Indians for the use of their allotments no system is used; no matter what the tract of land, $5 a year is what he allows. Many of the Indians object to this and have demanded more, sometimes getting it and sometimes not. Some of them had nothing at all.

Major Reynolds is misinformed in saying in his reply to the Department that there has been 7 or 8 inches of snow on the reservation, except in isolated places. Also it is not reasonable to suppose that Mr. Bair has less sheep on the reservation than he is paying for. At the present time range in the adjoining districts is eagerly sought. Since the successful war on the illegal fencing, and its attendant reversal of public sentiment through the putting down of old-time cattle barons, nearly all of the cattlemen also run sheep. At this time there is serious fear that a range war that has been

smoldering for the past two years may cause bloodshed on the range. Mr. Bair recently purchased in Oregon 150,000 yearling lambs, which are to be trailed to Montana and put onto the reservation this fall. He has at Wyola shearing pens fitted with machinery and shipping accommodations that will take care of 75,000 sheep. I do not think there are less than 200,000 on the reservation at the present time. The sheep in the Pryor district are known as Moss and Snidaw sheep. The Bair sheep are on Soap Creek, Rotten Grass, Lodgegrass, Reno, and Dry creeks, and in the Big Horn. Anyone could ride over this district in the space of a week and count the sheep, as they run in bands. Major Reynolds has not been in this district this winter. He was on Soap Creek last summer during the round-up of the Heinrich cattle. He has not been there since. He told me in Billings that he had no idea how many sheep there were on the reservation. Some idea of the number of sheep sheared might be gained from the amount of wool shipped.

Plenty Coos, in his letter asking that Mr. Bair be given the lease for the sheep instead of the highest bidder, J. T. Murphy, signs himself as chief of the Crow tribe; also says in one place that a council of all the Crows was held regarding this matter of the Bair lease. In the same letter he says a council of the Pryor Indians was held. Plenty Coos is chief of the Pryor district. I was told that Holds His Enemy, of the Mission district, son of Pretty Eagle, is chief of the Crow Indians as a tribe. I believe he is so considered by the Indians, as he was introduced to me by a delegation of about 100 from all the districts, including Pryor, as their chief. He was also among the Indians who were arrested at Sheridan in his attempt to ask for a change on the reservation.

In his letter Plenty Coos says that he paid his own expenses to come to Washington and the expenses of Big Shoulder, and that no white men asked him to come to Washington. Plenty Coos is not a man of means. It would be extremely difficult for him to raise the money necessary for this trip. Both Indians came with Charlie Bair in his interest. He is a man who spends a great deal of money to gain any end. It is not reasonable to suppose that Plenty Coos paid the expenses of himself and Big Shoulder. Frank Shively, I believe, accompanied the Indians as interpreter. Nothing is said as to who paid his expenses. He would surely not be able to pay them himself. It was he who told me, about the 1st of December, that he would be glad to be dead rather than remain any longer a tool of Major Reynolds; that he was a Crow Indian and proud of it; that he had given up opportunities in order to return to his own people; that with Willie Layton he had hoped to help them; that Willie Layton took a course in law, graduating from the University of Minnesota with high honors; that he himself took a post graduate business course with the hope that when the Crows had citizenship they might help their people. Willie Layton died soon after returning to the reservation. You may remember him as the one who drew up the Crow treaty and stood by it until his death. I believe he had an appointment as attorney for the Crows from the Department. Frank Shively says he has become nothing but a tool to be used against his people. I told him that, being a good stenographer and in the civil service, I thought if he applied to Supervising Engineer Savage at Huntley, giving him permission to use my name as a reference, that he could be transferred. I have since heard from Major Reynolds that he did so, but the change would mean a reduction of salary and loss of the house now furnished him at the agency, which Shively would be unable to stand. He has an invalid wife, a highly educated girl, and three small children. He was himself injured physically by trying to do hard manual labor before he took his present position. He is assistant clerk at the Crow Agency. I do not know how much or what he would say to anyone else.

Mr. J. T. Murphy, whose bid was rejected, is unknown to me. I know him by reputation as one of the very big cattlemen of Montana and Wyoming, who is also, as all of them are now, in sheep.

As to the cattle on the reservation, I find the Dana lease brings in about $17,000 a year, from which it is reasonable to believe Mr. Dana has from 17,000 to 20,000 cattle on the reservation. His relations with the Indians, so far as I have heard, have been of the most pleasant.

The reservation, as I have seen it from Soap Creek to Little Horn, about 30 miles, is about half fenced off into what is known as the Dana and the Heinrich pastures. I should say that Heinrich's fence is longer than Dana's fence, and it is not reasonable to suppose that he has fewer cattle; but of this I am not sure. The Heinrich cattle include what is generally called on the reservation the cattle of Major Reynolds. At the time Major Reynolds became agent he was interested in a small company known as the Bull Mountain Cattle Company, having a brand which was registered as Major Reynolds's private brand. When he became agent, these cattle were rounded up and driven to the Soap Creek entrance of the reservation. Major Reynolds paid two Indian boys (whose names I do not now remember) $35 for driving them in. They were turned in the Heinrich fence. Major Reynolds, I have been told, is always

present at the round-up of these cattle. There is no record of the transfer of the brand. Major Reynolds, when he became Indian agent, was cashier of the First National Bank at Billings at a salary of $2,300. His cottage home was not all paid. He is now on a salary of $1,800 and named in the advertisement of the First National Bank of Billings as one of the directors. The Heinrich cattle are shipped from Wyola and Parkman. The day I left the reservation a shipment was in progress. Ralph Saco, who was interpreter for the farmer at San Xavier, came down on the same train that I did from Crow Agency. He told me that Major Reynolds had personally loaned the Indians, who as a delegation had visited me with Spotted Rabbit, $2,000 with which to buy some of these cattle. He said: "Major Reynolds thinks if we get a few cattle we will forget the things he has done. He had a meeting of the Indians on Reno Creek last night and told them that if they would help him he would get them into a lodge of Elks."

Mr. Heinrich is about to lease the George Pease place on Lodgegrass, paying $1,200 a year for the same, to be used as headquarters for his men inside the reservation. He has also a ranch just off the reservation on Pass Creek, where something more than 2,000 cows with winter calves were fed this winter. It is not reasonable to suppose that with a herd of 2,430, which his permit allows, all the cattle except the cows and calves he owns in this district would support this expense nor produce the number of winter feeders held at Pass Creek.

CONCERNING THE OPENING OF THE CROW RESERVATION.

This should be one of the most beneficent of measures, both for the Indians and for the white people who need this land. From my own knowledge of the conditions here I believe that the Lincoln Townsite Company is unduly interested in these lands. If you will look at the map, you will see that they own 13 town sites on the ceded strip, about 2½ miles apart. The method of the Lincoln Townsite Company is to locate a town and place the building lots at a very high price and then boom the town through the influence of the Burlington Railway, with which it is very closely allied, if not identical. The lands on the diminished reservation that are to be sold as inherited lands are being bought up by the Lincoln Townsite Company.

When the lands were allotted, Major Reynolds invariably asked the allottee of inherited lands if he were willing to sell the land. If the allottee signed an agreement to sell the land, he was allotted along the Big Horn River near Fort Custer.

About a year ago bids were advertised for a portion of this section and the Lincoln Townsite Company got the land. They are building a town at Fort Custer, and last summer tried to put through a sort of community irrigation project, including the homesteaders on the adjacent land.

The homesteaders refused to go into the project. During the past winter Major Reynolds has been appointed guardian of many orphan children having lands along the Big Horn River. There is now advertised for sale about 5,000 acres of inherited land lying along the Big Horn River. The sale is to occur on May 9.

The Lincoln Townsite Company, under another name, has organized an irrigation company, with Fort Custer as headquarters, to take out water 24 miles up the Big Horn River on the reservation, evidently taking it for granted that they will be able to acquire the 5,000 acres advertised for May 9.

The Lincoln Townsite Company, by acquiring this land, has a majority of the votes of the landholders of the district, and can compel the homesteaders to join the irrigation company.

As the Big Horn River is the only river on the reservation carrying sufficient water for irrigation purposes after July, and as the Crows have spent not less than $500,000 of their own money to put in a headgate on the Big Horn River, it would seem as if this sale of 5,000 acres of land, with its attendant water right, were not in the best interest of the Indians. A glance at the history of the opening of the reservation might be of interest on this same subject.

Mr. Becker was agent. He was asked to call a council of the Indians regarding the opening of this land. From knowledge which he had he refused to do so. Charges were brought against him and he was removed. He has since been entirely exonerated from these charges. It is generally believed that it was a political scheme to get rid of him because he would not do things the Lincoln Townsite Company wanted. In his place J. E. Edwards was appointed by Senator Carter. At the time Mr. Edwards was running a small store at Junction, previous to which he had been herder for the Crews Sheep Company.

The council was held, the negotiations extending, I think, over two years' time, and no agreement had been reached. I find by the records that Mr. Edwards came to Wash-

ington with a power of attorney from the Indians to act in their best interests, and on the strength of this power of attorney the act opening the lands was passed with amendments. The Indians choose to represent them in the treaty George Pease, Joe Cooper, Frank Shane, and Willie Leighton. None of these Indians know anything of this power of attorney. No council was called concerning it, and they have never been told, nor have any of the Indians on the reservation, why nor how the land was taken without the payment agreed upon by the United States. They have repeatedly asked for information, have never received any money that they know of from the ceded lands. (I find in the accounts since writing this that such money has been twice included in their annuity payments, but this the Indians do not know.)

During Mr. Edwards's rule the I. D. herd, supposed to consist of many thousand head of cattle—$66,000 having been spent on it in 1892 to 1894—disappeared. He presecuted two cattle thieves, one of whom went to the penitentiary, but was immediately pardoned out and is now a rich man living near Billings, named Garvin.

Carl Leider and Richard Wallace were the I. D. herders, both men, I understand, having been told by Mr. Reynolds himself, are still drawing regular salaries from the Government (Carl Leider draws $75 a month as herder), although both of them are occupied herding their own and the Heinrich cattle. Both Indians are practically outcasts from the tribe for stealing Indian cattle.

Mr. Edwards, after his three-year term as agent had enough money to open a general store at Forsyth, the First National Bank at Forsyth, and to organize an irrigation company, of which he is now the president.

The sale of this inherited land is had in such a way that no man who would be an actual settler would be likely to get it. A check for one-quarter of the price must accompany the bid. The full amount must be paid upon the awarding of the bid. It is not likely that a man with enough money for this would be counting on making his home among the Indians.

I find Carl Leider still carried on the pay roll at $75 a month as herder, also Mr. Campbell as stock inspector at $900. One year's salary of these two men would buy out all the Indians' cattle on the reserve.

The Crow Indian Lodge, mentioned before, was organized to get an attorney to make an investigation of Crow affairs. The Crows are not "chronic complainers." On the contrary, they consider it a matter of personal shame to disparage the agent of their tribe. This sentiment has been expressed to me so often that I believe they would not make a complaint unless compelled to do so.

I told one of the members of the lodge to go to Mr. Enderline, an attorney at Sheridan, and ask his advice as to the best way of getting an investigation on the Crow Reservation. Mr. Enderline's reply was a request for a retainer of $200. As I know these Indians have not the money for expensive litigation, I did not feel that it was right or fair that they should be compelled to have recourse to the law. I myself drew up a petition and explained it to the lodge, telling them that I was certain that if the President knew the condition of affairs on that reservation as I had seen them he surely would put a stop to them.

They told me they had repeatedly made complaint to the inspectors, had written complaints to the Department at Washington, and sent petitions; that in every instance the matter had been returned to the agent, and resulted only in giving him a weapon with which to "deal them misery."

Take, for instance, a complaint which was made against Fred Miller, the chief clerk at the agency. The complaint connected him with one of the women of the tribe. His reputation on the reservation in this particular is notorious. It is known also that he has robbed the graves of the dead for elk teeth and beadwork, and has sold two collections and has another one now at the Billings Club which is for sale.

The complaint was made by Medicine Shell Bird and Horace Long Bear. When the inspector came to investigate the charge, Mr. Miller is said to have given the woman $25 and the charge was disproved, Miller being exonerated, although it is a matter of common talk among the Indians and employees.

Some little time later, last October, there was some trouble about Bair's sheep. The versions of this story told by Major Reynolds and by Horace Long Bear and other Indians are so entirely contrary that I shall not attempt to give either. It is, however, a fact that some eight or ten Indians were arrested; that all were dismissed with the exception of Medicine Shell Bird, who is now in jail at Helena. After Shell Bird's arrest Horace Long Bear went to the different business men in Billings who had known him and his family to get bail. Major Reynolds, when bail was offered, personally told them that Medicine Shell Bird would run away if bail were given, and asked them as as a favor to him not to furnish bail. Nevertheless Medicine Shell Bird got the bail and went home. By selling horses his brother and his wife raised $500 to defend him. The case was set. An Indian came to Medicine Shell Bird's home about 11 at night, having ridden on horseback from Lodgegrass, and told him his case had

been set in Billings for the next day. Medicine Shell Bird and Horace Long Bear rounded up their horses immediately and were able to catch No. 41 that came along between 3 and 4 o'clock in the morning, arriving at Billings in time for the trial. Through the influence of Major Reynolds and his attorney, Mr. Hathorne, the Indians plead guilty to avoid a long term in the penitentiary. Medicine Shell Bird is the only one who is still in jail. His attorney, although there was no trial, practically kept the $500.

On her return to the agency his wife was put in the guardhouse. She says she does not know the reason why. Major Reynolds says he put her in for being impertinent to him in Billings. She was kept in over a month.

When Horace Long Bear returned after the trial he was arrested. He protested against being locked up; that having been a soldier, he believed he was a citizen and would surely seek redress. Major Reynolds told him if he left the reserve again under any consideration he would lock him up. He also threatened him and told he would "cinch" him before the winter was out. The conversation between the two was open and was vouched for to me by other Indians. About a month ago Horace Long Bear sold a stack of hay to Charley Bair. When the hay was gone, one of the herders found a hide with the mission brand under the stack, and Horace Long Bear was charged with having killed one of the mission cattle. The priest of the mission refused to prosecute. When I left the reservation the matter was unsettled.

The Indians generally believe that the "misery" that has come to these two men is the direct result of the charge they made to the inspector against Mr. Miller. This is only one instance. There are very many more of a like character, so that when an inspector goes to the reservation complaints are as carefully concealed from him as they would be from the agent himself.

The Indians bitterly resent being arrested. It is the common custom on the reservation to bring an Indian in and put him in the guardhouse, keep him there for any length of time, he often not knowing why he is shut up. The guardhouse is a filthy place, not heated in the winter time, having dark cells, and without any of the toilet accessories I supposed the law required in every jail. Moreover, it is never cleaned, although these Indians are many of them suffering from tuberculosis, all of them subject to it, making them feel toward this guardhouse much as we might feel toward a common pesthouse.

Young girls, three when I left, from the mission school, for running away, are shut up here under the absolute control of the Indian police.

The Crow Indian lodge consists of many of the headmen of the tribe, the chief being among them. No man will be admitted to the lodge against whom any adverse charges can be made and proven. There are about 130 altogether, who constitute the most intelligent men of the Crow tribe. They are eager for their citizenship as you or I would be; look upon it as a great honor, to be attained only by excellence.

The afternoon I left the reservation an Indian whom I had never seen before came to me in company with one whom I did know and asked if I would explain some things to the Big Horn Indians. I was staying at the time at the home of Frank Gordon, who is married to an Indian woman. He has lived for twenty-two years on this place and is well known, as he kept the 40-mile ranch, which was a staging station before the railroad was built. He has himself paid to an attorney in Sheridan $150 within the past year to investigate the title to his land, without result. Mr. Gordon does not know how much land he has, what his boundaries are, and is afraid to incur the displeasure of Major Reynolds by making any direct questions concerning it. He is a hard-working man and has a small herd of cattle, 75, about. I do not think during my six weeks' stay at his ranch a day ever passed on which Indians did not come to him for food. He said he gave it to them because he knew they had nothing at home.

The Indian from the Big Horn apologized to Frank Gordon for coming to his house to ask for any information concerning things that would anger the agent. Frank Gordon's reply was: "Boys, you know I think you are right, and I am with you, but I am too old a man to put myself where the agent can deal me misery."

There was to be a meeting that night of the Indian lodge. The Indians knew that Major Reynolds had come to Lodgegrass with the object of preventing the meeting of the lodge. To avoid any trouble, I told the Indian from the Big Horn that I would meet his friends down on the creek bottom. When I arrived I found probably 100 Indians. They expected to be arrested. They asked me if there was any way possible for them to get their citizenship and for an investigation of Major Reynolds. I explained to them as much as I could, and told them that I was going to Washington myself to make this report.

On the following morning, on the way to Billings, to take the train, Major Reynolds and six policemen arrested me. I asked him what for. He said for trespassing *on the reservation*. Although he had overheard what was said the night before,

falling into the creek in his attempt to get near enough, he could not bring up anything that I had said to the Indians as a reason for arresting me. He had also obtained possession of a copy of the petition by having Eli Black Hawk steal it out of my suit case at Frank Gordon's, together with the list of signers.

I told Major Reynolds that I should resist arrest. He had no reason to arrest me, and no right to do so. He had given me permission to be on the reservation; that he had known all winter that I was there, and that I had never made a move that was not watched by spies in his employ. At the same time I wrote out a telegram to be sent to all the papers for which I act as correspondent.

He decided not to arrest me. Instead he went with me first to Sheridan and then to Billings and spent about ten days in trying to persuade me not to make this report. He told me at Billings that I must not return to the reservation. I told him I would not leave and let the Indians think that there was no higher authority to whom they could appeal than himself. He promised me on his word of honor that if I would not publish my story at that time he would allow me to talk to the Indians. With his permission I wrote to about ten of them to meet me at Parkman on the following Saturday. These letters the Indians, with one exception, did not receive. In one case a letter to Joe Cooper, Lodgegrass, was called for by a herder of Bair's who had never asked for his letters before and had never been told to get them. The letter was not delivered to Joe Cooper until about a week later.

Major Reynolds returned to the agency on Thursday. Friday morning an Indian named James Hill came to me saying he had been sent by the Indians on the reservation to find out if I were all right. He brought one of the letters I had written as an evidence that he came from Frank Shane.

Major Reynolds had said the Indians would get drunk if they went to Parkman. James Hill reiterated this statement. To prevent any such possibility I said that instead of Parkman we would meet at Wyola, the last station next to Parkman on the reservation. He returned immediately to the reservation, where the Indians were waiting for him, and told them that I had said I would take No. 42 from Billings on Saturday morning; that I would not get off at Wyola unless I saw them on the platform; that I wanted them to be at Parkman to go on the train and meet me in Sheridan; that I would be in the Pullman car, but would have the blinds down and they would not see me, as I did not want the police to know I was on the train.

I got off at Wyola. The Indians got on the train at Parkman, the next station beyond. Finding no one at Wyola and being sure that something was wrong, I got an Indian boy to ride horseback with me for 15 miles to Parkman. There I found a few of the Indians who had not gone to Sheridan in camp. It was probably 11 o'clock at night. I telegraphed to Sheridan and found that the Indians had been arrested in the station at Sheridan by policemen sent by Major Reynolds, who were on the train by which they went to Sheridan, showing conclusively that he must have known these Indians would go to Sheridan, and that he broke faith with me. In the station the Indians protested against the arrest, but were searched, their money taken from them, and thrown into jail and kept there until the following night, when they were taken back to the agency and kept in the guardhouse there until Wednesday. On Tuesday Major Reynolds came to Billings and told me how much he regretted the whole thing, but that I must see I could not depend upon the Indians. I told him that I did depend on them, that I was positive there was some mistake, and asked him to prove there was no mistake by letting these Indians whom he had locked up come to Billings and see me. He refused to allow more than three of them to come. I think there were 12 in the guardhouse. I selected Joe Cooper, Frank Shane, and the chief, Holds his Enemy. They told me that Major Reynolds had told them that I had gone away satisfied that I was mistaken in what I had told them. They were very glad when I said that I knew I was right and that they had redress and rights.

Considering the fact that in the history of Indian agents there is a possibility that one of them may not be absolutely disinterested and solely devoted to the cause of the Indians under his charge, if anything I have said here is recognized as being true, it is only fair that these Indians be allowed to speak for themselves and not always by the mouth of Major Reynolds. If not allowed to do so there are plenty of attorneys ready to take their money and assume an interest in their cause. If an inspector goes to the Crow Agency in the usual way, he will learn no more than those who have gone there in the past. There is an appropriation of $3,000 for the Crow Indians to come to Washington. They would gladly pay their own way if they could be allowed to come here and state their case.

I have only spent four months among them and I have said nothing in this report on which they would not be far better authority than I could possibly be.

CONCERNING THE CROW FAIR.

I never saw a more interesting spectacle than the Crow fair. It is a splendid thing for them, both because they enjoy it and because it gives them a chance to display their products. At the same time, the horses that were raced last October were not Indian horses, but belonged to a professional racing man of Sheridan well known to the Indians.

The gate money, I was told by one of the men who kept the gates, was always taken at night by Mr. Richardson, who paid the prizes and cashed their checks. Mr. Richardson is the trader. I think he is interested in all the trading stores on the reservation. The present treasurer is Mr. Throssel, one of the clerks in Major Reynolds's office, of Indian blood, but not a Crow. The president, Frank Shane, told me he knew nothing of the affairs, financial or otherwise, of the fair, except what he had learned from Major Reynolds. Major Reynolds told me as correspondent that the Indians had entire charge of the fair, nothing was accepted excepting their products, and that they had entire charge of the money.

This fair originated, I believe, with the Indians themselves, who had held one or two fairs with great success before Major Reynolds took it over. There is, I believe, a report of the produce raised by the Indians. This produce, I believe, is nearly all raised by white men married to Indians.

CONCERNING ALLOTMENTS.

There are on the reservation many squaw men. One George Davis, Billings, showed me a letter from Major Reynolds and another from Senator Dixon, in both of which it was recognized that he was entitled to a patent for land that had been allotted to his deceased son. He was also allowed $1,800 for improvements on the allotment of his wife in the ceded strip upon relinquishing it.

Harry Thompson, who has a ranch near Wyola which he has improved. He has 4 miles of irrigation ditches and raises good crops. He has leased from adjoining Indians. He had cattle on the reservation that were put off because it was said that he branded the Indians' cattle. The Indians think very highly of Mr. Thompson and would have been glad to have his cattle remain, and say they have learned a great deal about farming from him. His wife died, I think, about two years ago. He tried to get a title to the land, either as her allotment or he wished to buy it as a dead allotment, but has been unable to do either.

There are many of the squaw men who are in the same position as Thompson and Gordon.

I find this man Davis acted as one of the interpreters, together with Keiser, I think now in penitentiary. Carl Leider and Bran, now mail carrier at Lodgegrass when the second $200,000 was taken from the annuity fund under Graves and added to the irrigation, although this work could only benefit the Mission Indians.

CONCERNING THE CROW SCHOOL.

I stayed during part of November and December at the school building, Crow Agency. The Indians hate this school. If a system of inoculating with tuberculosis had been specially devised, I do not think it could be an improvement on the conditions of the Government school. Most of the children have sores. Scarcely one but has sore eyes.

I have seen the method of washing these children, all in the same water, with one brush. During the winter time the older boys who were assigned to the duty scrub the faces of the smaller boys with a stiff brush, making it one sore. The children then return to the dressing room, take off their outside clothing, and with their school clothing in their arms stand in line until Mrs. Oshosh, the school matron, is ready to dress them. It was winter weather, snow on the ground, and cold. The boys stood with the outside door open and the windows up as long as half an hour, shivering and coughing. There was at this time an epidemic of whooping cough among these children.

There are many Indian men in middle life who are blind on the reservation. Almost without exception these men have been pupils of the Government school. It is a frequent thing when the policemen in the fall go out to bring in the children that they find the little children or their parents have put sand in their eyes or have taken something to make themselves sick.

Last fall a woman in the mission, whose name I do not know, and whose story was told to me by Superintendent Creel in the presence of his wife, poisoned her child rather than let her come back to the Government school. The Indians say the children learn nothing at the school, and I have known at least Ben Spotted Horse and Prescott Fire Bear, unusually intelligent Indians, who attended the full time at the

Government school. Ben can not write his name; Prescott can scarcely do so. They both say that they were always kept at work feeding the stock and hauling coal.

The Indians would be very glad to have day schools. They want their children educated. I frequently heard an Indian in speaking of another Indian who is not all he should be say, "He has an education, so you would not think he would do wrong."

By taking the children away from the Indians and out of their homes and placing them in schools with which the parents have reason to be dissatisfied, the Indians are made restless and discontented. They will not work, and have no incentive, as all the expenses for the children are paid.

[An exhibit submitted by Mrs. Grey to Department with her charges.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Whiterocks, Utah, May 18.

DEAR CHARLIE: I am sorry not to have written to you before this, but I have been expecting to see Hill any day and talk about holding those cattle. I wrote you some time ago and wanted to have your opinion on it. Suppose there is lots of grass there now, and things must be looking good.

How is the calf crop this year? I can tell you that the grass country is in Montana and not Utah. There is not enough grass in this whole country to keep a prairie dog alive. The only thing that is really grown here to any extent is kids. These Mormons believe in keeping a woman raising kids all the time. Hardly ever see a family that hasn't at least six. They say that is Utah's best crop. Hay has been out of sight here all winter. What do you think of alfalfa selling at $25 a ton? Sold some last winter in the stack for $18 a ton.

I was appointed as general superintendent of irrigation and special disbursing agent to succeed Hill on May 1, although I didn't get official notice of it until about a week ago. I will have to furnish a $25,000 bond as special disbursing agent, and just sent that off the other day. Suppose that I will be instructed to receipt to Hill for this property as soon as my bond is approved.

In your last letter, you spoke of Frank Connelly's wife. Is he married, for God's sake? How does he support a wife? Am sorry to hear that Grace is sick again. How is she getting along now? Suppose Mrs. Connelly is well. Give her my best love when you see her again and find out about Grace, if not too much trouble. Do you know where we can get bulls for that bunch of cattle, and what they are worth? Who do you suppose we could sell to, if we wanted to sell? Hill might think that we should get rid of them or get them off the reservation. Will write you as soon as he comes and we can have a talk.

I wrote you that I had to relinquish the homestead to Dave Andrews. Miller got to shooting off his mouth about my owning more than 160 acres of land, and that I didn't have any right to take up this place. He is a natural-born knocker, and does it when he hasn't any show in the world to benefit himself. He has had an imaginary grievance against me for some time and has been telling everything he knows and a good deal that he doesn't know.

I don't believe I told you about the team of mares I bought this spring for Dave to go to farming with. It is a peach of a team. One is 4 years old and the other 5, and both heavy with colts. They were just broke when Dave took them, but he has them so that they will pull all right now. Expect they will have colts inside of a week or ten days. I haven't seen them for some time but heard from them the other day, and they were both without colts still.

How is Bess and Kit getting along? Have they had colts yet? If horses are as high up there as they are down here, we should get about $150 out of Trouble.

Is Lobdell getting anxious about his money or does he say anything about it?

Give my regards to all the boys and let me hear from you soon.

Yours, as ever,

HOWARD C. MEANS.

[a] These cattle were on West Soap Creek; were issued at the ditch camp; and Green, the butcher, was paid a salary for buying them. A herd of about 500 were left when the ditch camp was disbanded.

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[a] This paragraph appears in Mrs. Grey's handwriting.

granted, such rights to be exercised by persons, companies, or corporations under such rules, regulations, and requirements as may be prescribed by the Secretary of the Interior.

RICHARD WALLACE X
TWO LEGGINS X
MEDICINE EAGLE X
(And 523 more Indian signatures.)

We certify on honor that we were present and witnessed the signing of the above agreement by the adult male members of the Crow tribe of Indians, numbered from 1 to 526.

F. G. MATTOON.
FRED E. MILLER.

I certify on honor that I interpreted the above amendment to the agreement, and the succeeding agreement, for the Indians and that they fully understood the conditions of the same, and that I witnessed the signing of same by the adult male members of the Crow tribe of Indians, numbered from 1 to 526.

T. LAFORGE, Interpreter.

I certify on honor that the Indians whose names are attached to the above list, numbered from one (1) to five hundred twenty-six (526) are all adult male members of the Crow tribe of Indians, and that each one is entitled to and does receive an equal portion of the benefits of the Crow tribe of Indians, and are entitled to signify their willingness to the above undertaking. I further certify that three hundred twenty-three (323) Indians constitute a majority of the adult male Crow Indians having rights on the Crow Indian Reservation in the State of Montana.

J. E. EDWARDS, U. S. Indian Agent.

The merits of the proposed treaty, and reasons for its ratificati n and acceptance by Congress, are fully set out in the following official correspondence:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 7, 1899.

SIR: The Office is in receipt of a letter, dated September 9, 1899, addressed to you by the Crow, Flathead, etc., commissioners, inclosing an agreement made with the Crow Indians, in the State of Montana, dated August 14, 1899, providing for the cession of a portion of their reservation to the United States. Accompanying their letter is a map of the reservation showing the portion proposed to be ceded and records of the several councils held by the commission with the Crow Indians.

This Commission was appointed under the provisions of a clause contained in the Indian appropriation act approved June 10, 1896 (29 Stat., p. 341), providing for the appointment of a Commission to negotiate with the Northern Cheyenne, Crow, and Flathead Indians in Montana, the Indians of the Fort Hall Reservation in Idaho, those of the Uintah Reservation in Utah, and those of the Yakima Reservation in Washington. The Commission has been continued in the field under the provisions contained in acts of Congress approved from time to time making further appropriations for the expenses of the work.

By the terms of article 1 of the agreement with the Crow Indians the latter cede to the United States all that portion of their reservation lying north of the following lines, to wit, beginning at a point due east of the northeast corner of the Fort Custer Military Reservation and running thence due west to the northwest corner of said military reservation, thence south to the southwest corner of said military reservation, thence due west to the intersection of the line between sections 10 and 11, in township 2 south, range 28 east, of the Montana meridian, thence north to the Montana base line, thence due west to the intersection of the present western boundary of the Crow Reserve.

Article 2 stipulates that the price to be paid to the Indians for the cession of the tract of land named is to be $1,150,000, the same to be disposed of as follows: Ninety thousand dollars for the extension and completion of the present system of irrigation; $10,000 for the extension and completion of irrigation ditches of individual Indians; $100,000 to be placed on the Treasury of the United States to the credit of the Crow Indians as a trust fund, where it is to remain for fifteen years and draw interest at 4 per cent per annum, such interest to be expended by the Department in maintaining and managing the irrigation system; $240,000 is to be expended in the purchase of Southern heifers to be placed in the Crow Reservation and added to the present herd of the Indians; $15,000 is to be spent in the purchase of 2-year-old jackasses; $40,000 is to be expended under the direction of the Secretary of the Interior in the purchase of 2-year-old

constitute a majority of the male adult Indians over 18 years of age residing or having rights upon the Crow Reservation.

In their report forwarding the agreement the commissioners state that the amount of land contained in the cession, by a careful estimate, is about 1,137,500 acres, from which they say there should be deducted 21,000 acres to cover railroad rights of way and present Indian allotments, thus leaving the net acreage 1,116,500 acres. Upon this basis they say the price paid per acre for the lands ceded is about $1.03.

An estimate of the area of the tract ceded has also been made by this office, and it is believed that the estimate of the Commission is too high. It is thought that the area of the tract ceded does not exceed 1,082,000 acres, or about two and one-half townships less than the estimate of the Commission. Upon this basis the price agreed to be paid to the Indians would be a little more than $1.08 per acre.

The commissioners say that of the tract ceded about 200,000 acres lying along the valleys of the Big Horn and Yellowstone rivers is susceptible of irrigation, the balance being excellent grazing land, containing some timber. They say no portion of the present irrigation system of the Crow Indians is included in the cession.

They also remark, in connection with the several purposes for which moneys are to be expended, that the provision requiring southern heifers to be purchased was requested by the agent, as he considered them the best animals to cross with the bulls owned by the Crow Indians. The provision requiring that all cattle held in common by the Crow tribe shall be divided up during the year 1901 the commissioners say was insisted upon by the Indians, and was strongly recommended by their agent.

The provision of article 6 requiring a statement of the expenditures and of the condition of the various funds to be made to the agent semiannually the commissioners say was not entirely satisfactory to them, but was demanded by the Indians from the time negotiations began and was finally consented to, trusting that the discretion allowed the Secretary of the Interior in said article as to the time of sending such statement would remove any objection which might be made to the provision.

In conclusion, the commissioners say that they are glad to present an agreement which they consider to the benefit of the Crow Indians and alike just to the United States; that the lands purchased can easily be spared by the Indians; that the price paid, while not large, is all that they could reasonably expect, and that the agreement was thoroughly discussed, not only with the Indians in a body but with a delegation of educated mixed bloods chosen for that purpose in open council by the Indians, so that the various provisions in detail were fully understood. They express the hope that the agreement will meet with the approval of the Department.

Regarding the provisions made for the disposition of the purchase money, I have to say that the funds provided ($90,000 and $10,000) for the completion of the valuable irrigation system on the reservation, and the setting aside of $100,000, the interest on which is to be used for maintaining and caring for such system, are deemed wise and proper and commend themselves to the office.

As to the wisdom of purchasing stock, for which it is proposed to expend $295,000, the office is unable to express an opinion. A large sum has already been expended in the construction of an irrigation system, and it is proposed to expend still more therefor, thus indicating that the Crows propose to follow agriculture as a pursuit. It is merely a question whether they can successfully farm lands and raise crops and at the same time give proper attention to their stock and become successful as a pastoral people.

The provisions for a hospital and its maintenance are deemed to be wise ones, and commend themselves.

The fund provided for school purposes—$25,000—is entirely out of proportion to the amount set aside for other purposes, as well as to the proceeds derived from the proposed cession, and is entirely inadequate to the needs of the Indians for educational purposes. The office believes that the future of the Indians depends more upon the education of the younger generation than upon any possible provision that can be made for their material welfare. It should be noticed, however, in connection with the fund provided for school purposes in the agreement, that article 2 proposes to set aside $50,000 in the Treasury of the United States to the credit of the Crow Indians, the same to be expended for their benefit from time to time by the Secretary of the Interior in such manner as he may direct. There is also a paragraph to the effect that the balance remaining in each of the funds after the objects for which the several specific appropriations are made have been fully carried out may be expended for the benefit of the Crow Indians in such manner as the Secretary of the Interior may determine. The provisions just cited will therefore, in the event of the ratification of the agreement, enable the Department to accomplish something more for the education of the Crow Indians than could be done with the fund specifically set aside for the purpose.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 6, 1900.

SIR: I have the honor to acknowledge the receipt, by reference from you, of an agreement made by certain commissioners on the part of the United States and the Indians of the Crow Reservation, whereby said Indians agree to cede to the United States certain lands comprising the northern portion of their reservation in Montana. Accompanying the agreement is the report of the Commissioner of Indian Affairs on the agreement; the report of the commission accompanying the agreement; a copy of the council proceedings held by the commission with the Crow Indians October 31, 1898; a copy of the council proceedings of August, 1899; a blueprint copy of the map accompanying the agreement and showing the Crow Reservation and the portion to be ceded. The above-mentioned papers are in duplicate.

You direct that immediate report and recommendation be made in duplicate as to the disposition to be made of the within-ceded lands, and for the draft of the proposed legislation to carry the same into effect, to be incorporated in the draft of bill submitted by the Commissioner of Indian Affairs.

Article I of the agreement described that part of the Crow Reservation ceded under the provisions of this agreement. The acreage of said ceded lands is estimated by the Commissioner of Indian Affairs at not more than 1,082,000 acres.

Article II stipulates that the United States agrees to pay to and expend for the Indians of the said reservation $1,150,000, and details the manner in which the amount shall be disposed of.

Article III provides that lands on that portion of the reservation herein ceded previously allotted to Indians shall be reserved for such Indians, and that Indians having homes on such ceded lands shall not be removed therefrom without their consent, and those not allotted may receive allotments on the lands they now occupy, but that if any prefer to remove to the diminished reservation their improvements may be sold for their benefit.

Article IV provides for the survey of the boundary line.

Articles V, VI, VII, and VIII provide for the reservation of water for the use of the Indians, a semiannual statement of expenditures, the repeal of inconsistent provisions of former treaties and the continuation of other provisions, and the manner in which the agreement shall be ratified.

This office is only called upon to report on those articles and provisions which relate to the disposition of the lands ceded under said agreement.

Accompanying the report of the Commissioner of Indian Affairs is the draft of a bill, containing four sections, which provides for the carrying out of the provisions contained in the said agreement. It is noted that section 4 thereof, after providing for the making of allotments on the portion of the reservation ceded to Indians occupying and cultivating the lands, and the appraising and selling of the improvements of such Indians as shall desire to remove to the diminished reservation, provides—

"That the purchaser of such improvements shall have a preference right, if otherwise entitled, of thirty days after such purchase within which to enter the lands upon which the improvements are located, not exceeding one hundred and sixty acres, in compliance with the provisions herein governing the disposition of said ceded lands."

As a considerable portion of the lands ceded are not surveyed, it occurs to this office that some confusion might arise from the giving of a preference right of thirty days after such purchase. If purchase should be made before survey, it seems that the preference right might expire before the land should become subject to entry. It is therefore suggested that the words "after such purchase" be stricken out and the words "after the land becomes subject to entry" be inserted in lieu thereof.

In compliance with your request I have caused to be prepared, in duplicate, and herewith inclose, a draft of section 5, to be added to the proposed bill prepared by the Commissioner of Indian Affairs.

Section 5 of the proposed bill is intended to provide for the Indian occupants to whom reference is made in Article III of said agreement, and for the subsequent disposition of the other lands in the ceded portion of the reservation.

No additional comment on the provisions thereof is deemed necessary.

The papers are herewith returned.

Respectfully,

W. A. RICHARDS,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

The provision that during the year 1901 all cattle then held in common should become individual property was insisted upon by the Indians and was strongly recommended by their agent.

Article III provides for the protection in their rights of Indians having homes upon or allotments on the land proposed to be ceded, and for the sale of their improvements should they decide to remove to the diminished reservation.

Article IV provides for the survey when necessary of the new boundary lines, the cost of the same to be paid by the United States.

Article V reserves the water for irrigation on land actually cultivated for the Indians now using the same so long as such use may be continued.

Article VI provides that a statement of the expenditures of the various provisions of this agreement and the balance on hand in each of the several funds shall be sent to the agent of the Crow Indians twice a year, or at such times as the Secretary of the Interior may direct. The above article was not entirely satisfactory to us, but was demanded by the Indians from the time negotiations began with them, and we finally consented to the same, trusting that the discretion allowed the Secretary of the Interior as to the times of sending such statements would remove any objections which might be made to the provisions.

Article VII provides for the continuing in force of existing treaties not inconsistent herewith.

Article VIII provides for the signing of the agreement and the ratification of the same by Congress, the provision that the whole agreement must be ratified being demanded by the Indians.

The difficulties encountered during the whole of our negotiations with these Indians have been serious and trying, and we are glad to present an agreement which we consider for the benefit of the Crow Indians and alike just to the United States, and we trust the same will meet with your approval.

The land purchased can easily be spared by the Indians, and the price paid, while not large, is all they could reasonably expect.

The agreement has been thoroughly discussed, not only with the Indians in a body, but with a delegation of educated mixed bloods, chosen for that purpose in open council by the Indians, and the various provisions in detail are fully understood.

We wish to acknowledge the uniform courtesy of the present agent, Mr. J. E. Edwards, and his active and valuable assistance in our work.

Very respectfully,

CHARLES G. HOYT, *Commissioner.*
BENJAMIN F. BARGE, *Commissioner.*
JAMES H. MCNEELY, *Commissioner.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

A map of the reservation and proposed cession will be found in House Report 2498 of the second session of the Fifty-sixth Congress. The method of opening the land provided in the original bill would involve the old and familiar question of a horse race for possession on the opening day. This question was carefully considered in the last Congress with reference to the opening of the Kiowa and Comanche Reservation in Oklahoma, and a provision was inserted in that act in the following language:

"The lands to be opened to settlement and entry under the acts of Congress ratifying said agreement shall be so opened by proclamation of the President, and to avoid the contests and conflicting claims which have heretofore resulted from opening similar public lands to settlement and entry, the President's proclamation shall prescribe the manner and order in which these lands may be settled upon, occupied, and entered by persons entitled thereto under the act ratifying said agreements; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry."

Under this authority the Department of the Interior was enabled to devise a scheme of opening which left the rights of intending settlers practically unquestioned after their filings were made, and has substantially prevented the long, tedious, expensive, and harrassing litigation which ensued upon the opening of Old Oklahoma.

In the light of this beneficial experience we think that the same provision should be inserted in the present bill, so that something adapted to the situation and similar to the Kiowa and Comanche plan may be followed in opening the Crow Reservation.

The bill proposes to change the proviso authorizing the investment of $15,000 in jackasses by substituting stallions instead. We incline to think that this is probably a wise change, and yet it may be that a part of this money might advantageously be spent in purchasing jackasses, so as to enable the Indians to experiment, as they intended, in raising mules. We therefore recommend allowing the purchase, and

jackasses, either or both, as may be found best by the Department, and upon this q tion the desires of the Indians would no doubt be consulted by the Secretary.

e recommend the following amendments:

pag in line 6, strike out the word "stallions" and insert "jackasses and both, in the discretion of the Secretary of the Interior."

12, amend as suggested by the Commissioner of the General Land out the words "such purchase" and inserting in lieu thereof "the subject to entry."

e 12, strike out "desert land."

13, strike out the word "five" and insert the word "ten."

l of line 6, page 13, the following:

to be opened to settlement and entry under the acts of Congress ratify- ents shall be so opened by proclamation of the President, and to ts and conflicting claims which have heretofore resulted from open ic lands to settlement and entry, the President's proclamation shall er and order in which these lands may be settled upon, occupied, sons entitled thereto under the act ratifying said agreements; and permitted to settle upon, occupy, or enter any of said lands except such proclamation until after the expiration of sixty days from the ame are opened to settlement and entry."

roposed amendments to the agreements, J. E. Edwards, the Indian peared before the Committee on Indian Affairs, and in behalf of nted his power of attorney showing authority to act for said Indians, ted to said amendments.

mended, we recommend that the bill do pass.

t National Bank of Billings—P. B. Moss, president; M. A. Arnold, vice-presi , J. B. Arnold, cashier; W. Lee Mains, assistant cashier.

Paid-up capital	$150,000
Surplus	30,000
Deposits	1,750,000

Directors: P. B. Moss, J. B. Arnold, Jos. Zimmerman, M. A. Arnold, S. G. Reynolds.

Transact a general banking business. Interest paid on time deposits.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., June 1, 1907.

DEAR MR. GARFIELD: I have your letter of May 27, inclosing one from Mrs. Grey to the President, and directing me to find out the facts connected with her last arrest. I will do this and make report in due course.

I now have the situation here well in hand, so that it will be only a matter of time and patience and some hard work to get everything straightened out and running smoothly again. I am not yet ready to make a report upon all the facts, but I think it wise to inform you now of one of those of which I am already in absolute possession.

Mrs. Grey is a muck-raker, who in large measure produces her own muck and whose motive is the profit to herself from the raking thereof. Her influence with the Indians arises entirely from the fact that she has been able to reach the President's ear, and she has used this influence absolutely without regard to their best interests or to the truth of the situation here. I respectfully suggest, therefore, that you inform the President of her character, for she is capable of distorting even any courteous hearing which he may accord her into evidence of his approval and support.

I find among all the Indians an absolute disapproval of and resentment for the change which Congress made in the last agreement for cession of territory whereby instead of the Government purchasing the land outright it assumed a trusteeship for its sale to settlers. I am informed that this change was based upon a then recent decision of the Supreme Court. In order that I may understand this situation thoroughly, I should be glad to have a copy of this decision and the report of the committee at the time of the passage of the act as well as (if conveniently possible) copies of the Congressional Record containing the debates at the time of the passage of the act.

In examining into the financial condition of the agency I find myself hampered by lack of complete information from the Indian Office. There was furnished me a *memorandum* of the Crow Indian funds, but this memorandum relates only to funds *arising from* appropriations by Congress. No statement of the funds arising from *receipts on the reservation* was given me. It was my purpose to dig into the records

of the Indian Office myself and get complete information on these subjects before leaving Washington, but on account of other matters (with which you are familiar) I had not been able to do that before it became necessary for me to start for the reservation. I was under the impression that sufficient data for my purposes would be here, but I find that this is not the case. The moneys expended by the Indian Office in the purchase of contract supplies, such as barbed wire, machinery, lumber, nails, etc., apparently came partly from treaty funds, partly from funds arising from receipts on the reservation, and partly from gratuitous appropriations by Congress. No information is given the agent as to the distribution of these charges to the various sources of revenue; hence it is impossible to determine here the exact balances which should be now available from these sources. I should therefore like to have a complete abstract of all funds which have been or become available for expenditure on behalf of the Crow Indians during the administration of the present agent, and the expenditures authorized and made therefrom, showing the balances now available from each source. As to the expenditures you will appreciate that I do not need an itemized statement (which would necessarily be very voluminous) but I do want these expenditures grouped by classes for the different fiscal years, in accordance with their distribution to the several accounts, so that definite results will be shown in such form that I can check them up from this end.

In addition to the abstract above requested I should like to have, if practicable, a statement such as that contemplated in section 6 of the last agreement, which was amended and ratified by and incorporated into the act of April 27, 1904. In view of the amendment made in the agreement this statement must necessarily show not only the expenditures (as contemplated in the agreement) but also the receipts.

I very much doubt whether it will be possible to complete the investigation on this reservation and round the matter out as should be done in time to make an investigation elsewhere before the end of June, so I am inclined to suggest that if the matter of which you spoke to me requires attention before that time you send some one else. It would of course be possible, and perhaps would not prevent the accomplishment of the best results here, for me to leave this investigation incomplete and return to it after making the other. But I do not recommend this.

Very truly, yours,

Z. LEWIS DALBY, *Indian Inspector.*

Hon. JAMES R. GARFIELD,
Secretary of the Interior, Washington, D. C.

CROW AGENCY, MONT., *June 8, 1907.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: Following up telegraphic correspondence of June 2 and 3 regarding the expulsion of Helen Pierce Grey from this reservation, I deem it wise to report in full now as to that part of the investigation which concerns her, as she is now entirely eliminated from the investigation, which now rests solely upon my own responsibility and initiative.

In view of the manner in which the charges had arisen, as well as the nature of those charges, I concluded to stop in Sheridan to see Mrs. Grey before coming here to see the agent. I accordingly stopped in Sheridan on May 21 and consulted fully with her that evening and the next day. I assured her then that she should have every opportunity to procure and present all obtainable evidence in support of the charges she had made. To this end I promised to let her come to the agency and there send for any Indians she pleased and consult with them freely and without interference. This arrangement was satisfactory to her at that time. I declined, however, to grant her request to come to the agency with me at that time, and told her that this was because I did not intend to give color to any claim or statement by anybody that I had come to supersede the authority of the agent, as I should not take any such action except in case of absolute necessity and after sufficient ground had been shown.

On May 23 I saw the agent, informed him of the general nature of my mission here, told him of having seen Mrs. Grey, and of the understanding I had had with her, and said that I should of course give him every opportunity to present his side also. I went at once into the question of the land sale of May 6, looked over all the papers which had accumulated in that connection and sealed them up for further investigation later, giving notice that all steps in that matter must cease for the present.

While I was going over these matters with the agent the following telegram was handed me, dated Sheridan, Wyo., May 23, and signed "Helen Grey." "I must

insist that you wire me permission to come to the agency to-night or I shall publish the story. Am wiring the President."

This was quite out of keeping with the understanding between us when I left her, and the only explanation which occurred to me then was that as a newspaper writer she was afraid of being "beaten" on her story, as she had expressed to me the belief that the agent intended to stir the matter up in the newspapers by publishing false stories about her. Accordingly I submitted to the agent, and he signed a promise that he would not give out any information concerning the investigation, but, on the contrary, would use his influence to prevent any such publication. (This agreement will be found in the chronological file which I submit herewith.) Deeming it unwise either to permit Mrs. Grey to come to the agency then as she demanded or to disregard her telegram entirely, I went to Sheridan to see her, taking with me the agreement above referred to. I had a long conference with Mrs. Grey at the Sheridan Inn and returned to the agency that night.

I showed her the agreement which I had had the agent sign, and while she said she did not trust his word in the least she agreed not to publish her story for the present, but to help me with the investigation.

In this conference she exhibited the most radical and unaccountable change of attitude. Theretofore she had expressed the greatest confidence in my investigation and belief that I would get at the truth. Now, without any explanation whatever, she expressed the belief that the agent would hoodwink me; that I would be unable to get at the truth; that my investigation would be a farce, and said that she wished a western man had been sent; that I was "up against" the cleverest man in the West and the strongest and most unscrupulous political machine. As to the question of my ability to make the investigation I of course declined to discuss that, saying she would have to take that up with you or with the President, and that I should continue with the investigation to the best of my ability until I received instructions to the contrary from you; and I repeated my assurance to her that I would listen to all the evidence on both sides and report the exact facts, whichever way the truth proved to be. This did not satisfy her. She wished not only to control me and dictate the manner of making the investigation, but practically to make the investigation herself. I told her plainly that this was impossible; that I was responsible for the investigation, and I should conduct it myself, and not she. Her demands were so unreasonable and so illogical that I began for the first time to question seriously her good faith, and was much tempted to leave her out of the investigation entirely. But I still believed she could help me in getting out the facts, and furthermore I wished her to have, and I wished to be able to prove that she had had, every possible opportunity to make good her proof of the charges which she had submitted, so that whatever the facts turned out to be there might be no question of the fairness of my investigation. I therefore made the following arrangement, in which I believed and still believe that I went to the farthest limit of official propriety in acceding to her demands. She should go to Lodgegrass—which she preferred to the agency as her headquarters for consulting with the Indians—on Saturday, May 25; she should there consult freely and without interference such of the Indians in that district as she saw fit, and such of those from other districts as she might send for, for the purpose of ascertaining the names of those who could testify to facts in support of the charges which she had made; but she was to use her best endeavors to prevent any congregation of the Indians unnecessarily or in large numbers, and to prevent as far as possible their neglecting their work; and if such conditions arose at Lodgegrass by reason of her presence there that the agent believed it unwise for her to remain, I would myself come to Lodgegrass, and if then in my judgment it was wisest for her to leave she was to go with me to the agency and continue her work from that point; as soon as she had obtained a sufficient number of names of witnesses she was to come to the agency and submit them to me and I would proceed with the taking of testimony, examining the witnesses in her presence and the presence of the agent. To all this she agreed.

Throughout this interview I refrained from any allusion to that part of her telegram in which she says "Am wiring the President," for I have assumed all along, and have told her plainly and repeatedly, that she was perfectly free to communicate with the President or with anybody else she might see fit, my sole duty and purpose and concern being to conduct my investigation so as to get at the exact facts, regardless of what they may be or of whom they may please or displease, and without reference to any other consideration whatever. I did not know then, and I do not know now, whether she actually telegraphed to the President or not.

The next day I told Agent Reynolds of the agreement I had made with Mrs. Grey, and had him instruct the farmer at Lodgegrass to see that she was not interfered with *or molested in her* consultation with the Indians.

On Saturday, May 25, she came here, and at her invitation I met her in Frank Shane's tent. There were present several of her chief supporters—Alexander Upshaw, Ralph Saco, Joe Cooper, Frank Shane, and a number of other Indians. At her request, I explained to all present (my words being interpreted to those who did not understand English) that I had come to make a thorough and impartial investigation; that I had not come to espouse either their side or the agent's, but merely to find out the exact truth, and that I should report the facts as I found them whomever they might hurt or whomever they might please; that I expected them to tell me the truth and not try to deceive me, as only the truth could possibly benefit them; that I did not expect to accept any one man's mere statement about anything as final, especially if it concerned himself, but should cross-examine every witness rigidly under oath and examine other witnesses on the same point where possible, and that I should hold responsible everyone whom I found had lied to me, whoever he might be. This apparently pleased Mrs. Grey greatly, and it was heartily applauded by all the Indians present. I have since repeated this statement in substance, perhaps hundreds of times, to all the Indians I have met; I have not varied it a hair's breadth, and every act of mine has harmonized with it.

Mrs. Grey went to Lodgegrass that (Saturday) afternoon. It is hardly necessary to attempt to detail her doings between that time and the following Thursday, but for your information I submit my correspondence with her during that interval.

On Wednesday night (May 29), about midnight, the agent came to my room to show me a note which he had just received by mounted messenger from the farmer at Lodgegrass. This note will be found in the chronological file herewith. In it he stated that Mrs. Grey had been holding all-night meetings with the Indians, who had congregated in numbers from all parts of the reservation; that he considered the condition of affairs serious and suggested that the agent come at once to Lodgegrass and bring with him all the Indians upon whom he could depend. I at once told the agent that the course suggested would be absolute folly; that even if the situation were as the farmer thought, the most unwise thing possible would be to show apprehension by the exhibition of force. I said that I had already planned to go to Lodgegrass on the following afternoon by train, and that they would be expecting me, but I said that in order to get there sooner I would drive over the first thing in the morning; but I did not think it wise for him or anybody else to go, and that I would take only one man with me, to drive and take care of the team, and interpret for me when necessary.

Accordingly I started early Thursday morning, May 30, for Lodgegrass, taking Carl Leider as driver and interpreter. After stopping at the farmer's house about noon for luncheon, we reached Frank Gordon's place, where Mrs. Grey and her followers were assembled, about 2 o'clock in the afternoon. She refused to shake hands with me, saying she regarded me as their enemy. She then objected to the presence of Carl Leider and of five or six others who had come up from the village without my knowledge. (Incidentally, I understood that she had telegraphed to Sheridan for a newspaper reporter, who, however, did not appear.) I sent Carl away to take care of the horses, and said they might put a watch over him if they liked, and the others I sent back to the village. I had all I said interpreted to the Indians, so that they might understand that I had not come for the purpose of entrapping them, but wished them to speak to me freely and without any fear of being spied upon. Mrs. Grey did not introduce me to any of the Indians, but I introduced myself and shook hands with them all, and had a kindly word for each.

There were about 60 Indians present, including Plenty Coos, whom the tribe recognizes as chief, the headmen of several of the districts, and practically all of those over whom Mrs. Grey had gained any influence, and I had at her request excluded everybody whom she regarded as not actively siding with her.

It would be quite impossible, as well as unnecessary and unprofitable, to relate all that took place at this meeting, which lasted until 4 o'clock Friday morning, but it is necessary to inform you of the main features and the conclusions reached.

Having dismissed my interpreter at their request, I accepted as interpreter the man whom the Indians themselves had chosen, Alexander Upshaw, about whom I knew nothing beyond the fact that he was able to interpret, and who then appeared to be entirely satisfactory to Mrs. Grey. In the course of the meeting, when something was said which she apparently disapproved, Mrs. Grey objected to Alexander, accusing him of treachery and even accusing me of having bribed him, and demanded a change of interpreters. This I refused peremptorily, not only because it was grossly unfair to the Indians and to me, but also because I had discovered that Alexander was not afraid to interpret whatever was said. Whenever she raised the question, however, I asked the other interpreters present if Alexander had interpreted correctly, and let them understand that if at any time he failed to interpret fully and correctly they were

over among themselves, without interruption from her, they would remember all that had happened and would see things in their true relations, which was all I wanted; and the event proved that I was right.

At this point, however, I concluded to attempt to hold Mrs. Grey to her promise to go with me to the agency, as I was satisfied that her further presence at Lodgegrass was a detriment not only to the Indians, but to the investigation. Accordingly, having my words interpreted to the Indians, I recalled the arrangement made in Sheridan, and her promise, and said that in my judgment she ought now to go with me to the agency, and asked her to do so. She denied having made any such promise, saying to the Indians that it was her word against mine and that I could not prove it—which was quite true, for I had been careful not to reduce it to writing except in my diary, which was written in shorthand and which I did not have with me. I asked her if she refused to go with me. She said yes. As nothing was to be gained by attempting to remove her by force at that time, and as I had not come with any such intention, I contented myself with explaining the situation carefully to the Indians and showing them that the promise must have been made, as I could not under the circumstances have permitted her to come upon the reservation at all except on condition that she would abide my judgment in such matters; I called their attention to the fact that she had broken this promise, and told them that all future arrangements would be made with them rather than with Mrs. Grey, and that I would hold them to the arrangements as made.

With affairs in this condition I left the meeting, well satisfied that Mrs. Grey's power for evil had been destroyed, and on my part determined, if she had not made her appearance at the agency by Sunday evening (June 2), as agreed, to arrest her by daylight Monday morning and put her off the reservation. Being thus confident that this feature of the situation had been worked out satisfactorily, I wrote you on June 1, after my return to the agency, to the effect that the matter was in a fair way for solution and giving you the result of my discoveries as to Mrs. Grey's character.

I had hardly finished writing this letter (which I dictated to one of the clerks here, being myself almost exhausted physically) when I received a telegram from Plenty Coos, Alexander Upshaw, and Joe Cooper, asking me to come to Lodgegrass at once. I went on the afternoon train (Saturday, June 1) and stayed with the Indians in their camp until after dark. All the Indians were present, but Mrs. Grey was not.

They first referred to my advice to them and reminded me of my promise to help them formulate their charges myself in case they dismissed Mrs. Grey, and asked me if I would still do that. I told them that I would. They then said they had decided to have nothing more to do with Mrs. Grey, as they saw that she was not doing them any good. But they said she had come here in their behalf, and they wanted her to be permitted to go away in peace and unmolested. I readily agreed to this. They then said they wanted her not to be prosecuted after she had left the reservation for anything she might have done on the reservation. To this I replied that I permitted her to go free now because I did not know positively whether she had committed any crime or not, as I had not yet completed my investigation, but that if in the course of the investigation I found that she had broken the laws, and in breaking the laws had wronged them, she should be punished, just as I had said to them in the beginning and all along—that whoever had done wrong should be punished.

I then said I would help them all I could, and that we would proceed at once with the work. I called for their charges, thinking that I would find out the names of the witnesses under each charge. But they said they had found Mrs. Grey's charges so mixed up and so rambling that they had not been able to get head or tail out of them, and had concluded to abandon them entirely, and begin afresh with their own matters.

This was just the opportunity I had sought, and I seized it at once. Mrs. Grey evidently found on the reservation here and there matters that were not clear to the Indian's slow understanding, and in which he therefore believed that he had been wronged. I think she was looking for just such opportunities, and where she did not find them she did not hesitate to make them. In such cases, instead of patiently trying to find out the truth, and then as patiently helping the Indian to see the truth, she simply accepted, and even in many cases, I believe, magnified, whatever an Indian said to her and inflamed his mind to believe that he had suffered great wrongs, regardless of what the facts might be—which, indeed, she appears usually to have made little if any effort to learn. Now, it was these grievances in the minds of the Indians themselves that I wished to get at, so that if there was really anything wrong I might find it out, and if there was not I might make the Indians see that there was not. So I told them to bring forward their grievances one at a time, the most serious ones first. I listened to and questioned them patiently and persistently for several hours, and during that whole time not one complaint was brought up which bore any resemblance to any of Mrs. Grey's charges. Although most of them on their face seemed serious when

vation. I submit (as part of the chronological file herewith) a copy of that paper, duly certified by myself and Agent Reynolds. Your telegram to me, and the telegram of the Acting Commissioner of Indian Affairs to Agent Reynolds, were received upon our return that evening. On my advice Agent Reynolds did not reply to the telegram addressed to him, but I telegraphed you that the action had already been taken by me before receipt of your message, so that you might have the exact facts for the purpose of any statement which you might see fit to give to the press.

This recitation may seem an unnecessarily long one, but I dare not dismiss Mrs. Grey with less than a statement in essential outline of all the material facts which she has been connected with. She is now entirely eliminated from the investigation—except in the connection to which I shall allude presently. It is my deliberate opinion that no statement which Mrs. Grey has made or may make is worthy of any consideration whatever by reason of her having made it. She has shown herself to be absolutely unprincipled and the Indians have unequivocally and explicitly withdrawn their support from the charges which she made. There still exists, however, a psychological condition which it is not wise to neglect. Many of the Indians undoubtedly believe that serious wrongs have been done them. This is due largely, and I think may possibly be due entirely, to Mrs. Grey's suggestion and instigation. If there is any real wrong back of and responsible for this feeling I shall find it out, and shall take appropriate action myself or report the facts to you for action, as may seem best under the circumstances as they develop; but if I find the trouble arises merely out of the failure of the Indians to see clearly and in their right proportion things which are really right, then I shall use my best endeavors to make the Indians see those things as they are, so that this turmoil may be entirely removed and the work of the reservation proceed as before. And this is the most important thing now to be accomplished.

Now, another word as to Mrs. Grey. She is not only an unprincipled, but a dangerous woman. If the spirit of these Indians had been a little different, I could not have controlled them as I did, and it would probably have been necessary (as some of the people here thought would be necessary anyway) to call out the military to prevent an uprising. I have not at any time believed that this was imminent here, but I am convinced that Mrs. Grey would not hesitate to bring about such a condition if it were in her power and seemed to her to be to her advantage. There is but one safe place for her, and that is the penitentiary.

When she went to Washington to see the President she went in pursuance of a verbal agreement with a number of the Indians, and in consideration of moneys paid her by them out of which she defrayed her expenses. This was done after she had failed in an attempt to conduct some of these same Indians, secretly, to Washington without the knowledge or consent of the agent or the Department. There is no doubt about these facts; but I knew nothing about them until I got to the reservation. I do not yet know the exact sum of money they gave her, but I think it was in the neighborhood of $500, and I think she had an agreement with them to supply her with more later on. In the course of my investigation I shall make every effort to get at the exact facts in regard to this, and to get the evidence in such shape as to form the basis of prosecution under section 2105, Revised Statutes. When I have gotten the matter in this shape I shall go at once to Helena and go over the matter fully with the United States attorney there and put the case in his hands for prosecution. It may be that I shall be able to present other grounds of prosecution. I think she has been guilty of other offenses, but I do not know whether I can get the evidence in shape for prosecution.

I plan to start out on Monday or Tuesday, with Alexander Upshaw as interpreter, and visit every district of the reservation. Without taking the Indians from their homes or from their work any more than absolutely necessary, I shall talk with all who have, or fancy they have, any grievances. If their grievances are without real foundation, I shall make them see that they are. If they are well founded, I shall investigate them and fix the blame where it belongs. I shall also take the agent with me on this trip, to show me the physical features of the reservation, but not to be present at my conferences with the Indians. I hope to be able to wind up this part of my work here in two weeks. But even if it takes a month, or even longer, it should be done, for the Indians can not now be restored to their normal and healthy state of mind in any other way.

I have gathered from a number of things Reynolds has said to me at different times, that as soon as this matter is settled so that he will be free to do so, he will resign. I have refrained from any comment at such times, as I shall of course recommend his dismissal if the facts developed in my investigation require such action. But my impression, so far as I have been able properly to form one, and my information from the most *reliable sources*, both white and Indian, is that Reynolds is the best agent

MY DEAR MR. DALBY: On my arrival at Lodgegrass I found that two men important to me had been arrested at Billings, so came on to Crow Agency.

I intend returning to Lodgegrass to-day at 2.15. It is raining so badly that I stopped at Frank Shane's tent and will not try to get about. If you care to come down, I shall be glad to see you.

Sincerely, yours, (Mrs.) HELEN GREY.

Handed me by Red Wolf after dinner Saturday, May 25, 1907. Went to see Mrs. Grey at Frank Shane's tent.—Z. L. D.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., May 25, 1907.

Mrs. HELEN P. GREY, *Lodgegrass, Mont.*

DEAR MADAM: I inclose herewith a copy of the advertisement of inherited Indian lands, in accordance with your request.

In this connection I wish to reiterate what I have said to you, that it is my desire and intention, in carrying out my instructions from the Secretary of the Interior, to afford you every opportunity to present evidence in support of the charges you have made. To this end I have granted your request for permission to visit Lodgegrass for the purpose of necessary consultation with the Indians, at the same time impressing upon you the unwisdom of any congregation of them unnecessarily or in large numbers, and trusting to you to prevent this as far as possible. I trust you will have your witnesses ready as soon as possible. Please communicate with me as soon as you are ready to bring forward evidence.

Very truly, yours, Z. LEWIS DALBY, *Indian Inspector.*

LODGEGRASS, *Sunday.*
(Received May 27, 1907, at Crow Agency.)

MY DEAR MR. DALBY: I arrived at Gordon's none the worse for wear, and hope you were as happy.

With your permission I hope to go to the mission for the dances as they some time ago—at the usual time the dances have taken place—prepared for me. I shall stay at Ralph Saco's house.

If you wish to see the dances and the Indians as they are, I wonder if you would not like to go to the convent at St. Xavier's? As I told you, I have had no communications, whatsoever, with them in this "affair." Major Reynolds told me that Father Carden was the first to warn him against me. You can see they are as neutral as any interested person can be, and have been on the reserve for more than twenty years.

They are prepared to entertain guests, having a separate home for the priests, I believe. The mission Indians are the most prosperous and advanced is the reason I have chosen to attend that particular dance. You could go quite independently, and I would either introduce you to the Indians or one of the priests could do so, or Chief Holds his Enemies.

I understand that the charge against me is that I have prevented the Indians from doing their spring work. Will you not, as you go about, take note that it is my friends who have put in the largest crops this year and that the chief complaint they make against the farmers is that they have heretofore been prevented from raising or realizing on their crops with horses, cattle, and produce? The sunshine will quickly put the roads in good shape, but the rivers are up and crossings will be dangerous for a few days.

There is a daily stage to the mission, or you could drive over, as I expect to do.

Sincerely, yours,

(Mrs.) HELEN GREY.

CROW AGENCY, MONT., *May 27, 1907.*

Mrs. HELEN P. GREY,
Lodgegrass. Mont.

DEAR MADAM: I have your letter of yesterday. As to your suggestion that I attend the dances at the mission, I have to say that my present purpose is to make investigation of affairs at this agency, and particularly of the charges which you have preferred. Until this is accomplished I can not, with any official propriety, consider any other proceeding. Therefore, while I should certainly like to see the Indians' dances at

some convenient time, I can not now consider that or any other matter which would defer or delay the prosecution of this investigation.

In regard to your reference to permission from me to visit the mission, I beg to remind you that the only permission I have given you is to visit Lodgegrass for the purpose of necessary consultation with the Indians in getting together the names of witnesses to prove the various charges you have made. As my sole duty here is that of an investigator, I can not properly extend that permission for any other purpose.

As I wrote you yesterday, I hope you may be ready to bring forward your witnesses at a very early date—say by Wednesday of this week, or, at latest, by Thursday—and if you are ready sooner than that I shall be that much better pleased. I suggest that as soon as you are ready you come at once to the agency to see me.

Very truly, yours,

Z. LEWIS DALBY, *Indian Inspector.*

LODGEGRASS.
(Rec'd May 28, 1907, at Crow Agency.)

DEAR MR. DALBY: Your letter comes to me as a surprise, as it is in no way a to the one I sent you. Of course if you are too hurried to make a real investiga- but can take only what appears on the surface, as I told you in Sheridan, I pre- ...t to continue it, for it will be too much in the usual line.

...s we agreed in Crow Agency, the headmen are not to be here till to-morrow night.

I wrote as I did of your going to the mission, thinking it would aid you in visiting that section and at the same time allow you to maintain the authority of the agent.

You will recall that you said you expected to visit different Indians and the reserve generally.

I did not understand that you expected me to remain in Lodgegrass, for it is but one small portion of the reserve, but that you wished me to help you get at the facts, but asked that I should not go to any other place without informing you of any change.

I am working at the greatest disadvantage at best with the whole authority of the reserve opposing me, to which is to be added the handicap that the agent has had two full months of active preparation covering up the facts of his administration.

In Washington I understood that I was to have your cooperation, but from this letter to-day it seems I am mistaken.

I do not understand your allusion to "congregations," when you must know that permission has been given for the Indians to dance. They are now collecting at Lodgegrass, I hear this morning, having had permission to dance till after Decoration Day. As you may know, no business can be transacted while they are dancing. As you are acting as much in the defense of the Indians as of the agent, it would not be lessening your standing with the Indians if you came here on Wednesday morning and met these headmen.

The agent and his hirelings are spending money, are using every influence of the agency machinery to prevent the truth from coming out, and the tribe feels that I shall not be sufficiently strong to get them a fair investigation. The Indians are determined to have their rights; and if you do not assure them through me or through some one not connected with the agency administration that you are here for a real investigation, I shall not be responsible for anything that transpires. Will you not preserve this letter in case it is needed?

Also I should be glad to hear from you and, if you wish, to arrange with you for a line of investigation. I need your help, as there are many things I want to know, and I also want your authority to demand certain evidence that is necessary.

Sincerely, yours,

HELEN GREY.

CROW AGENCY, MONT., *May 28, 1907.*

Mrs. HELEN P. GREY, *Lodgegrass, Mont.*

DEAR MADAM: Your registered letter (undated) is just received. It is quite unnecessary and unprofitable for you in writing me to refer to the character of investigation which I am making. I have told you that I should make a thorough investigation, and I shall do so. I do not care to continue repeating this statement. I also told you that I should make the investigation, and not you. This also is as true now as when I first said it to you, and I do not care to repeat it.

I permitted you to go to Lodgegrass for the purpose of consulting with the Indians in order to get together the names of the persons who can testify to the facts which support the charges you have made. Lodgegrass was your own choice as a place for your headquarters for consultation with the Indians. When you were here you sent

for men from Pryor to meet you in Lodgegrass; and as it was understood they would get there to-night, I presumed of course you would not be ready to begin bringing forward evidence before to-morrow. But I wish to begin taking testimony as soon as possible. To consume more time than necessary in this investigation is neither wise nor just to the Indians.

As I said to you when you were here, you have permission to communicate with the Indians at Lodgegrass without interference. I understood from you that in this consultation with the men around Lodgegrass and the men who are to come to you there from Pryor you can learn the names of those who can testify to the facts you wish to bring out. Any others that you may need to consult with for a similar purpose can come to you there or here, though I should prefer to have them come here, for the purpose of saving time. When you have gotten together the list of your witnesses, I will send for them and examine them under oath in your presence and the presence of the agent. I shall not only hear the witnesses you bring forward, but I shall probably call others myself, and shall furthermore afford anyone who wishes to testify before me the opportunity to do so; and as far as I am able I shall visit all the districts before I leave the reservation.

The agent tells me no permission has been given for dances at Lodgegrass before the 30th. I expect to come to Lodgegrass on the 30th (afternoon), and if you have secured your list of witnesses by that time we can return together on Friday, and I will proceed with taking testimony.

Very truly, yours,

Z. LEWIS DALBY,
Indian Inspector.

LODGEGRASS, *Monday, April 27.*

Mr. Z. L. DALBY, *Crow Agency.*

MY DEAR SIR: Your second letter to-day is received. I shall observe your order that I am not to leave Lodgegrass, but am to have my charges ready by Wednesday or Thursday.

I will lay the matter before the Indians if they come to-morrow. After receiving your letter I rode to the trader's to find Tim Burbank and ask him why the Indians were coming in. He said he did not know, and I told him if he did not know to understand that I had in no way brought them in.

He sent them home.

I do not understand your instructions for me to come to the agency.

We talked about that in the station, and you agreed to hold the investigation here.

Very truly, yours,

(MRS.) HELEN GREY.

Major REYNOLDS:

I think it would be a good scheme for you and your friends to come up to-morrow, as this thing is getting pretty serious. Bring all you can depend on. We have a few here that are all right. Do not know what is going to happen. Mrs. Grey held a big meeting all night long last night. There is a big camp at Gordon now consisting Reno, Big Horn, and Pryor. Plenty Coos is here with the bunch.

I have told Gros Ventre to take this to you; did not make any difference what time of night he got there.

Scold The Bear is writing to Big Medicine, too.

Yours,

T. J. BURBANK.

Handed me at midnight May 29 by Agent Reynolds, having been brought to him by mounted messenger from Lodgegrass.—Z. L. D.

LODGEGRASS, MONT., *May 29, 1907.*

We, the members of the council chosen by the Crow Indian Lodge, representing four districts, hereby appoint Mrs. Helen Grey to be our representative in obtaining a true investigation into the affairs of the Crow Nation.

(Handed me by one of the Indians during the meeting of May 30 at Frank Gordon's, Lodgegrass.—Z. L. D.)

[Telegram.]

THE WESTERN UNION TELEGRAPH COMPANY,
Lodgegrass, Mont., 1st

IS DALBY:

over here two days ago. Am anxious to see you here now; important; two. Answer.

PLENTY COOS.
ALEX. UPSHAW
JOE COOPER.

[Telegram.]

CROW AGENCY, MONT., *June 1, 1907.*

BURBANK, *Lodgegrass, Mont.:*

coming on forty-two to meet Plenty Coos, Alex. Upshaw, and Joe Cooper, at request.

Z. LEWIS DALBY, *Indian Inspector.*

[Telegram.]

CROW AGENCY, *June 1, 1907.*

ENTY COOS, ALEX. UPSHAW, JOE COOPER,
Lodgegrass, Mont.:

Your message received. Will come on forty-two as requested.

Z. LEWIS DALBY,
Indian Inspector.

LODGEGRASS, *June 2, 1907.*

Mrs. Grey may leave Lodgegrass peaceably and without interference. When she leaves she must go directly off the reservation, and she must not return. If she wishes it, Scolds the Bear will accompany her as far as Parkman, and will see that she is not molested and does not make any disturbance within the border of the reservation.

Alexander Upshaw will read and interpret this to Scolds the Bear in the presence of Mr. Burbank, and will give this paper to Mr. Burbank to keep for me.

Z. LEWIS DALBY,
Indian Inspector.

[Telegram.]

LODGEGRASS, *June 2, 1907.*

REYNOLDS, *Indian Agent,*
Crow Agency, Mont.:

Have arrested Mrs. Grey and am bringing her to agency on forty-three to-night.

DALBY, *Indian Inspector.*

[Telegram.]

Confidential.]

CROW AGENCY, MONT., *June 2, 1907.*

GARFIELD, *Secretary Interior, Washington:*

I permitted Helen Pierce Grey to return to this reservation on May 24 to consult with the Indians and submit to me the names of those who could testify to facts tending to establish the charges which she made to the President, and to represent the Indians, if they desired, in bringing forward evidence before me. She has failed to present the names of any witnesses, although I have twice extended the time given her for that purpose. Discovering her manifest bad faith and evident intention to impede and delay the investigation and to produce trouble if possible, I on Thursday *night* at Lodgegrass advised the Indians in her presence to withdraw their case from *her, assuring* them that I would investigate all their grievances without help from her *and without* expense to them. On yesterday I met them again at Lodgegrass at their

request, and they informed me that they had decided to take my advice and withdraw from Mrs. Grey. At their request I agreed that she should be permitted to leave the reservation without compulsion and be secured against molestation or indignity. This afternoon at Lodgegrass I was forced to arrest her under authority of section 2111, Revised Statutes, for attempting to incite the Indians to violence. Before arresting her I again, in the presence of all her followers, offered to permit her to go off the reservation without compulsion, but she refused. She resisted arrest, at the same time trying in every way to incite the Indians to violence in her behalf. I have brought her here under arrest, without the use of any unnecessary force, and have shown her every consideration which her conduct under the circumstances permitted, and have made her as comfortable as the available accommodations made possible. I shall conduct her out of the reservation to-morrow and forbid her to return. If deemed necessary, telegraph me authority under section 2149, Revised Statutes.

I report the facts thus fully in anticipation of inquiries from the press, as she will undoubtedly attempt to publish sensational stories without regard to their truth.

DALBY, *Indian Inspector.*

CROW AGENCY, MONT., *June 3, 1907.*

A. A. CAMPBELL, *Superintendent of Live Stock.*

SIR: You are directed to proceed to Lodgegrass and get from Frank Gordon such belongings of Mrs. Helen Pierce Grey as he delivers to you for her, and have them ready to put on No. 42 this afternoon to be checked to Parkman. Mrs. Grey wrote Gordon's wife last night to have her things ready. She tells me that she wishes to be sure to have her hand bag and typewriter.

Respectfully,

Z. LEWIS DALBY,
Indian Inspector.

CROW RESERVATION, MONT., *June 3, 1907.*

HELEN PIERCE GREY: I charge you to pay attention to the following laws of the United States:

"SEC. 2111, R. S. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States or to disturb the peace and tranquility of the United States, is liable to a penalty of two thousand dollars.

"SEC. 2112, R. S. Every person who carries or delivers any talk, message, speech, or letter intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquility of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

"SEC. 2113, R. S. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty, or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars.

"SEC. 2147, R. S. The superintendent of Indian affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

"SEC. 2148, R. S. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

"SEC. 2149, R. S. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians, and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person."

In the exercise of my authority and the performance of my duty as United States Indian inspector, I arrested you yesterday for attempting to incite Indians to a breach of the peace. I have now conducted you to the boundary of the Crow Reservation,

and in the exercise of my authority and the performance of my duty as United States Indian inspector I now forbid you to return to the Crow Reservation. You are now released from arrest.

Z. LEWIS DALBY,,
United States Indian Inspector.

I hereby certify that I have this day conducted Helen Pierce Grey across the southern boundary of the Crow Reservation, and that I did read to her, in the presence of the Indian agent, at or near said boundary, the writing of which the above is a true copy, and that I did thereupon deliver to her the said writing, duly signed by me.

Z. LEWIS DALBY,
Indian Inspector.

PARKMAN, WYO., *June 3, 1907.*

I hereby certify that the writing of which the above is a true copy was this day read to Helen Pierce Grey by United States Indian Inspector Z. Lewis Dalby, in my presence, at or near the southern boundary of the Crow Reservation, and that said inspector did thereupon deliver to said Helen Pierce Grey, in my presence, said writing, duly signed by him.

S. G. REYNOLDS,
United States Indian Agent.

PARKMAN, WYO., *June 3, 1907.*

EXHIBIT J. R. G. No. 2.

Report on the Crow Indian Reservation by Z. Lewis Dalby, Indian inspector, Crow Agency, Mont., August 12, 1907. [a]

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[a] The paging of the original document is indicated by means of numbers inserted in brackets, thus preserving the value of the numerous references and cross references.

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Also submitted herewith:
Map.
Exhibits A, B, C, D, E, F, G, H, and I.

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[1] CROW AGENCY, MONT., *August 12, 1907.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to submit herewith a report upon my investigation on the Crow Reservation. I have heretofore submitted, under date of June 8, a report of my preliminary work which resulted in the expulsion of Helen Pierce Grey from the reservation on June 3. In addition to this report I transmit herewith, as instructed, separate reports upon the question of the establishment of a sectarian day school in the upper Lodgegrass region and upon the treatment of Helen Pierce Grey when arrested by the agent on May 17.

INTRODUCTORY.

Following the plan outlined in my report of June 8, I left Crow Agency on June 11 for a tour of inspection of the inhabited parts of the reservation. I took with me the agent to show me the physical conditions upon the reservation and to explain his views and plans in reference thereto; Alexander Upshaw, to whom I referred in my previous report as interpreter; and Stock Inspector A. A. Campbell as driver and camp tender.

We went first to Lodgegrass, thence up the Lodgegrass Creek to Heinrich's camp and through Heinrich's permit range to Rotten Grass Creek, thence to Soap Creek, thence to the head gate on the Big Horn and down the Big Horn Valley to the Soap Creek dam, which was then undergoing repairs; thence to St. Xavier, and thence to the agency, arriving here on the evening of June 18. On June 19 I went by rail to Pryor, returning to Crow Agency on June 23.

During this inspection I made many side trips from the main road and talked with probably 80 per cent of the male inhabitants of the reservation.

[2] At these conferences I did not permit either Agent Reynolds or Stock Inspector Campbell, or any outside person, to be present. I intended that the Indians should feel perfectly secure in speaking frankly with me, and I believe they did. In addition to the Indians, I talked fully with all the employees in the different districts and with a number of other white men, including F. M. Heinrich, C. M. Bair, T. A. Snidow, and John K. Rankin, special allotting agent, whom I happened to meet at Crow Agency on June 18.

June 26 I spent in Billings for the purpose of reporting personally to the Secretary of the Interior, returning to Crow Agency on the 27th; and on June 30 I left for Helena for the purpose of laying before the United States attorney certain matters in relation to the conduct of Helen Pierce Grey, as well as to report further to the Secretary of the Interior in this and other matters.

On my return from Helena on July 4 I was taken sick with a fever, which kept me in bed for several days and incapacitated me for work for about a week.

From July 15 to 17, and again from July 22 to 24, I was compelled to be in Billings in connection with the arrest and prosecution of Helen Pierce Grey.

The intervals of time not included in the above outline have been spent in my work of investigation at and near the agency, in several short trips to Lodgegrass, in the necessary routine work connected with my correspondence and accounts, and in the preparation of this report. A great deal of this time has peen unavoidably consumed in interviews with Indians who have come to see me and in the examination of others, both Indians and whites, whom I have from time to time sent for.

GENERALLY DESCRIPTIVE.

e convergence of the Little Horn and Big Horn rivers, from the southeast and ıwest, respectively, forms an approximately isosceles [3] triangle, which has its on the Montana-Wyoming boundary and cleaves the reservation through the dle from south to north. The rich bottom land of the Little Horn and Big Horn ys is almost entirely within this triangle, the east bank of the Little Horn and the bank of the Big Horn being skirted for the most part by bluffs from which arid h or hill lands extend east and west, respectively, to the Wolf Mountains in the ase and the Pryor Mountains in the other. The base of this triangle traverses the Horn Mountains, which are snow clad until late in the summer, with but few and e main dangerous passes, forming an admirable natural barrier for the southern dary of the reservation. In these mountains rise the Lodgegrass Creek, which northeasterly into the Little Horn, and the Rotten Grass and Soap creeks, which first northeasterly and then northwesterly into the Big Horn. These creek valhus connect the Little Horn and Big Horn valleys toward the south, leaving a what diamond-shaped stretch of hill country known as the I. D. range. Through orthwestern part of the reservation, about 40 miles westward from the Big Horn eparated from it by an arid stretch of bench, hill, and mountain country, flows Creek, which originates in the Pryor Mountains and empties into the Yellowust below Huntley. Like the Big Horn Mountains to the east, the Pryor Mounorm a natural barrier for the southern boundary of that part of the reservation ı lies west of the Big Horn River.

the Big Horn-Little Horn triangle, and particularly in the central and more ıble parts of the valleys above described, dwell the River Crows, who constitute ıbly three-fourths of the tribe. In the Pryor Creek valley dwell the Mountain s, who constitute the remainder of the tribe.

large proportion of these valley lands, certainly the choicer parts of them and than the Indians in their present stage of development are able to cultivate, ıb...w under irrigation. The remaining [4] and far the most arid part of the reservation not occupied by the Indians, with the exception of the I. D. range, is farmed out for grazing purposes as follows:

Grazing district No. 1, practically a rectangle, in the southeastern part of the reservation, south of Reno creek and east of the Burlington Railroad, containing about 380,000 acres, is leased to Edwin L. Dana, of Slack, Wyo., for four years from July 1, 1905, at an annual rental of $12,540, for the purpose of ranging cattle.

Grazing district No. 2, practically a square, in the northeastern part of the reservation, north of Reno Creek and east of the Burlington Railroad, containing about 232,635 acres, is leased to James L. Ash, of Absarokee, Mont., for four years from July 1, 1905, at an annual rental of $5,961.27, for the purpose of ranging sheep

Grazing district No. 3, a strip of country from 10 to 15 miles in width, just west of the Big Horn River and extending across the reservation from north to south, containing about 400,000 acres, is leased to Thomas A. Snidow, of Billings, Mont., for five years from July 1, 1906, at an annual rental of $15,000, for the purpose of ranging sheep. (By opening to settlement, on July 10, 1906, of some 41,600 acres at the northern end of this district, its area was reduced to approximately 358,400 acres and the rental correspondingly reduced—in accordance with the terms of the lease—to $13,440.)

Grazing district No. 4, all that part of the reservation lying west of district No. 3, with the exception of the Pryor Creek valley, containing about 435,000 acres, under permit to C. M. Bair, of Billings, Mont., for four years from July 1, 1905, at an annual charge of $7,000 for the ranging of not more than 35,000 sheep, any excess to be paid for pro rata.

Grazing district No. 5, as formerly designated, is no longer a part of the reservation.

[5] Grazing district No. 6, practically a triangle, bounded by the Burlington Railroad, the southern boundary of the reservation, and a fence from near Wyola to where the Little Horn Canyon crosses the Wyoming line, containing about 30,000 acres, under permit to Edwin L. Dana, of Slack, Wyo., for one year from July 1, 1906 (the permit is to be renewed for another year), at an annual charge of $2,500, for the ranging of not more than 2,500 head of cattle, any excess to be paid for pro rata.

"Henry's lease," the region in the southern end of the reservation, between grazing district No. 6 and the Big Horn River, including the Big Horn Mountains, and with an irregular northern boundary, under permits to F. M. Heinrich, of Slack, Wyo., for the ranging of cattle at $1 per head per annum. Mr. Heinrich's several permits will be described in detail later on in this report.

From a glance at the map it will be seen that these grazing districts inclose the *inhabited parts* of the reservation, serving to shield the Indians from immediate con*tact with the* border except at the apex of the Big Horn-Little Horn triangle, in the

neighborhood of old Fort Custer. On the north and northwest, where there are no natural barriers, they tend also to protect the reservation from trespassers.

As districts 1, 2, and 3 are under lease upon an acreage basis, and there has been no allegation and I have found no reason to believe that these ranges have been improperly used, and as very few Indians live within their limits I have made no attempt to visit them or investigate directly the conditions existing thereon. Dana's permit district, No. 6, is adjacent to his leased district, No. 1, so that there would seem to be little or no advantage to be gained by misusing his permit range, and there has been no allegation that he has done so. Moreover, its entire area amounts to only about 12 acres per head for the number of cattle covered by his permit, and as it is generally reckoned that each animal will require 20 acres of average range it seems quite unlikely [6] that it would be in any way to his interest to overrun his permit on this range. I have therefore deemed it unnecessary to inquire into matters in these districts either. The other districts will be considered in due course.

F. M. HEINRICH.

F. M. Heinrich—or, as he is commonly known on the reservation, "Frank Henry"—began running cattle in a small way in 1899 on the southern range, which he now occupies. He has increased his herd from time to time until it has reached its present proportions. Whenever he puts new cattle upon the range he takes out a separate permit for them, except in so far as they may take the place of cattle shipped out while covered by an unexpired permit. These permits have usually been for one year, payment being made in advance. At the expiration of a permit a new one is taken out, which may be for the same number of head or for more or less than the one which it supersedes, according to the existing state of the herd.

At first these permits were merely informal arrangements with the agent, without the approval of the Department. The permittee simply made a certificate that he had paid the agent so much money for the grazing of so many head of cattle upon the reservation for such a length of time; that no more cattle than the number recited would be grazed under the permit, and that no more money than the amount stated had been paid therefor. To this certificate the agent added his own as to the amount of money received. These transactions thus came to the knowledge of the Department only in connection with the agent's accounts.

In 1904, however, this practice was changed and since then a regular form of grazing permit has been used and each transaction has been submitted to the Indian Office and the Department for approval.

The following table, compiled from the agency records, gives in epitome the history of these transactions up to the present time :

[7]

From—	For—	Number of head.	Per annum.	Total amount.	Number of head remaining under previous permits.	Total herd.
August 14, 1899	1½ months	75	$8.00	$75	.....	75
November 1, 1899	6 months	250	1.00	125	.....	250
April 10, 1900	2 weeks	150	3.25	20	250	400
May 1, 1900	1 year	600	1.00	600	.....	600
May 1, 1901	do	600	1.00	600	.....	600
May 1, 1902	do	600	1.33	[a] 800	.....	600
November 10, 1902	6 months	400	2.00	400	600	1,000
May 1, 1903	18 months	1,200	1.00	1,800	.....	1,200
November 17, 1903	1 year	150	1.00	150	1,200	1,350
November 1, 1904	2 years	1,000	1.00	2,000	.....	1,000
November 1, 1905	1 year	600	1.00	600	1,000	1,600
May 1, 1906	do	380	1.00	380	1,600	1,980
September 3, 1906	do	250	1.00	250	1,980	2,230
November 1, 1906	do	1,800	1.00	1,800	630	2,430
May 1, 1907	do	1,150	1.00	1,150	2,050	3,200
Total revenue derived	.....	.....	.....	10,750	.....	.....

[a] This permit is of peculiar interest by reason of the manner in which it was made. The $800 paid by Mr. Heinrich did not pass through the agent's accounts at all, but was paid out by him at the suggestion of the agent in the purchase of a carload of seed potatoes and a set of heavy driving harness, and this property was turned over to the agent in lieu of cash and as consideration for the permit given. It seems that the agent, John E. Edwards, had experienced considerable trouble in getting authorities from the Indian Office for such purchases as these, and in order to have the potatoes in time for planting and to get the desired harness at all, he resorted to this expedient. Copies of the correspondence showing the history *of this transaction* are submitted herewith as Exhibit A. [See p. 676.]

[8] The above table shows clearly the grazing rights which Mr. Heinrich was at any time entitled to enjoy, and how those rights have gradually and steadily grown. Whether he exceeded these rights at any time could hardly be determined without investigation on the range.

In her charges submitted to the President Mrs. Grey insinuated indirectly and rather by way of innuendo that Mr. Heinrich was running more cattle than he was paying for. I found some suspicion of this kind in the minds of some of the Indians. But as the Indians have little or no knowledge of Mr. Heinrich's rights in the premises, and are therefore hardly qualified to say whether he has exceeded them, I have suspected that their feeling in this matter arose largely if not entirely from Mrs. Grey's suggestion. I was strengthened in this suspicion by the fact that these Indians were not Heinrich's neighbors, while his neighbors had no such opinion to express; and I was practically confirmed in it when the same charge was made to me by a squaw man named Peters. I think it quite probable that it was upon Peters's statement alone that Mrs. Grey based her charge. Peters has the general reputation of being a scoundrel, and nobody who knows him will trust him or believe him.

About the middle of June I rode through Mr. Heinrich's winter range where his cattle were still held, having been unable to get across the mountain on account of the snow. In going through the range I kept a rough tally of all the cattle I saw. I counted in all about a thousand head, which included about 250 or 300 Indian cattle. At this time Mr. Heinrich was entitled to have upon this range 3,200 head. I had examined about one-third of the entire range on which he was then running cattle and had found not more than one-fourth the number he was entitled to have upon the entire range. Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle. As I had seen the very heart of his range, and the most attractive part of it (along the water courses), I deemed it so improbable that the en[9]tire number of cattle on the range would exceed the number authorized by the permits that I considered further investigation unnecessary. Mr. Heinrich's dealings with the Government under his formal permits I believe to be beyond criticism.

To Indians having lands within his permit territory he has made just compensation for damages done. He has sometimes even made compensation in advance, in anticipation of damages which were liable to occur, and in some of these cases I believe such compensation has far exceeded absolute justice and become substantial liberality.

Informal grazing arrangements with Indians direct.—In August, 1906, Mr. Heinrich made an agreement with the Indians having allotments of grazing lands between West Soap Creek and the Big Horn and south of old Fort C. F. Smith Military Reservation, in the territory just to the north of his regular permit territory, by which he was to run cattle upon these lands. He was to complete the fencing of this general district into one large pasture, which would include not only these allotments, but a small proportion of unallotted lands as well. The Indians were to continue to graze their own stock, both horses and cattle, upon these lands as theretofore. Each allottee was to receive from Mr. Heinrich $5, and in case he had any fenced pastures or cultivated lands he was to receive more, in consideration of the risk of damage to these. This arrangement was made through Carl Leider, who acted as the agent for Mr. Heinrich both in securing the agreement and in making the resulting payments to the Indians. Under this agreement Heinrich paid through Carl Leider to the various Indians interested $1,000, and at various times, beginning in October, 1906, he put about a thousand head of cattle upon these lands.

Carl Leider has furnished me, from his original memorandum book, a list showing the payment of this money by him to the various Indians. I have not checked it up by inquiry of the Indians themselves, as I did not obtain the detailed information until after my trip over the reservation, and in the absence of complaint by the Indians I deem it fair [10] to assume that the arrangement is satisfactory to them and that it has been carried out fairly and honestly.

In connection with the arrangement above referred to Mr. Heinrich had agreements with several of the Indians in this territory for putting up individual fences for them at an aggregate cost of about $325, in consideration of which he was to have the right to pasture 325 head of cattle upon their lands for one year.

In addition to the above, some time in May, 1907, Heinrich paid Scratches his Face, whose land is within his regular permit territory, $65 in cash for the privilege of running upon his fenced pasture either 65 head for one year or 130 head for six months.

Under these various arrangements direct with the Indians Mr. Heinrich has acquired an apparent right to run 1,390 head of cattle in addition to those covered by

his regular grazing permits, making a total of 4,590 on the reservation. When I saw him, in the middle of June, he told me that he had actually put upon the reservation 4,375 head, and estimated that after deducting his losses by various casualties he could tally out not more than 4,200. From my observation upon the ground and my inquiries generally, I am inclined to accept this statement as a fair one and approximately correct, though, of course, I can not vouch for its absolute accuracy. I am prepared to state, therefore, that if we recognize the rights which Mr. Heinrich claims to have acquired by direct dealings with the Indians, as above described, he has not exceeded his rights or abused his privileges.

He also informed me that his shipments to market during July would include all the beef cattle among those grazed under these arrangements with the Indians, and that the balance would then be driven across the mountain into his summer range, thus closing this matter out entirely. After his beef shipments in July he would then have in all upon the reservation much fewer cattle than the number covered by his regular permits.

As to the substantial equity of these transactions I have no criticism to make. I believe they were fair and just, and satisfactory to [11] the Indians. I have heard absolutely no complaint concerning them from any source. But the method of making them is open to criticism. Such arrangements should not be made without the full knowledge and express consent of the agent. But it is equitable that the revenue derived from these individual allotments should go to the owners of the allotments rather than to the tribe as a whole. I recommend, therefore, that the Department approve the general policy involved in such transactions as Mr. Heinrich has made, provided they be made with the knowledge and subject to the approval of the agent. The agent should pass upon such arrangements, not only as to their essential fairness to the Indians but as to the character of the man who proposes thus to deal directly with them. While Mr. Heinrich may be the right sort of a man to deal with the Indians on the reservation in matters of this kind, many others who would undoubtedly wish to follow his example would not be, and it is essential that the agent should have an absolute veto in such cases.

I have made this criticism clear to both Mr. Heinrich and the agent and have told them that no more such arrangements must be made or permitted except in pursuance of authority to be obtained from the Department along the lines above indicated.

Herding cattle for the agent.—Mrs. Grey charges in effect that improper relations exist between the agent and Mr. Heinrich, in that Heinrich pastures on his range a large herd of cattle belonging to the agent in return for the agent's permitting him to exceed his permit rights thereon.

Although I have talked with the large majority of the Indians who might be expected to be aware of this situation if it existed, the only man to mention it to me has been the squaw man Peters, to whom I referred above. I am inclined to think, therefore, that Peters is Mrs. Grey's sole source of information in this connection also.

The facts of this matter are as follows:

Some time before he became Indian agent Mr. Reynolds went into a [12] cattle enterprise with his brother-in-law, Fred. H. Hathhorn, of Billings. They did business under the name of the "Bull Mountain Cattle Company," which was not incorporated. The brands ⨯ (called "X-diamond-X") and ⇝ (called "D-X") were registered in the name of Reynolds. When Reynolds became Indian agent these cattle continued to range upon the public lands north of Billings, and in the fall of 1904 the herd was estimated to number 600 or 700 head. At this time Reynolds and Hathhorn concluded to get out of the cattle business, and looked around for a buyer. They were able, however, to round up only about 400 head at this time, and these were sold to Mr. Heinrich for about $27 a head for the whole bunch, payment being made by Heinrich's note for one year without interest. Reynolds carried this note without banking, and at maturity Heinrich made a cash payment which reduced the indebtedness to $6,000, and for this he gave two notes of $3,000 each at 8 per cent for one year. These notes were banked by Reynolds and were paid at maturity. I have inspected both the paid notes and the bank records of them. The original note, amounting to between $10,000 and $11,000, was not found by Mr. Heinrich, and he said he thought he had destroyed it when it was taken up. As it was not banked, I was unable to find any confirmatory record of this transaction. I have, however, seen the original paper by which Reynolds transferred title to Heinrich, and it is dated September 15, 1904. It is not in the form of a bill of sale and does not state the price, but merely describes the stock and recites that the sale has been made and the title transferred. The cattle were not then upon the reservation. Some time during October, 1904, they were driven from the northern range across district No. 3 (then leased by McCormick) and delivered to Heinrich within his permit territory on Rotten Grass Creek. The expense of delivery was borne by Reynolds and Hathhorn.

In this transaction the brands, registered in Reynolds's name, were not transferred to Heinrich because the remnant of the herd, estimated at from 200 to 500 head, was still owned by Reynolds and Hathhorn, and the retention of the ownership of the brand was considered the most [13] convenient way to secure settlement for the scattered cattle when shipped as "strays." Some of these cattle are said to be still scattered over the northern range. In this connection I invite attention to a letter from Mr. Hathhorn to Mr. Heinrich under date of August 27, 1906, submitted herewith as Exhibit B. [See p. 673.] This letter was handed me by Mr. Heinrich out of his files when I first brought the matter up, about the middle of June. As confirmatory of what these gentlemen have told me about the treatment of the ownership of these brands it seems to me to be conclusive.

Some of these X-diamond-X cattle are still among Heinrich's herd. I saw several myself. In this connection I took occasion to examine two of the men who have helped Heinrich brand his calves for a number of years past, including the time since he purchased these cattle from Reynolds. I examined them separately and without previous notice, and questioned them rigidly. They both stated positively and without hesitation not only generally that all calves are branded with Heinrich's brand, the "Antler," but specifically that they have branded with the "Antler" calves following cows with the X-diamond-X brand upon them. This indicates clearly that the owner of the "Antler" brand claims ownership of the cows whose calves are so branded, and this claim has never been contested.

From all the evidence in the case I am satisfied that this was an ordinary and proper commercial transaction, that these cattle belonged to Mr. Heinrich when they came upon the reservation, and that all that have remained upon the reservation have been his property ever since.

Heinrich's character and his relation to the reservation.—Having disposed thus negatively of the matters in connection with which Mr. Heinrich's integrity has been impugned, it is hardly fair or wise to leave the subject without referring briefly to some other matters not heretofore mentioned which have a very decided bearing upon his desirability as a permittee upon the reservation.

The "mountain" range which Mr. Heinrich uses in summer, thus [14] enlarging considerably the grazing possibilities of his territory, has never before been successfully utilized by anyone. Some years ago Mr. Paul McCormick made an attempt to use this range, but abandoned it after a part of one season on account of heavy and disastrous losses by reason of cattle drifting over the cliffs into the canyons. Heinrich has not been without similar, though smaller, losses, and he has faced not only the hazard to his property, but at times great personal risk in getting his cattle back over the mountains after early fall storms. The cattle naturally drift back from this high range to the low country, and they are held upon the mountains chiefly by means of large quantities of salt (some 20 tons a season, I understand) which have to be hauled upward of 30 miles across the mountains, a large part of the way without even a trail to follow. The range is thus necessarily an expensive one, even without reckoning in the inevitable casualties. Mr. Heinrich informs me that during the past year his entire range expenses have been about $1.30 to $1.40 for every head of cattle upon the reservation.

Not only does Mr. Heinrich thus bring to the Crow tribe revenue from a hitherto unproductive territory, but in holding these mountain passes he protects the reservation from the depredations of cattle thieves. In years past organized bands of these thieves have operated through these passes driving cattle across into Wyoming and thence to market. In 1900 probably the most extensive single cattle theft on record was committed in this way. Sam Garvin and Bob Lee drove about 1,100 head of Indian cattle across these mountains into "Garvins Basin," just across the Wyoming line. Heinrich had also lost some 30 head, and suspected the Garvin outfit of the theft. In looking for his cattle he discovered the stolen Indian herd, reported the fact to the agent, Edwards, and aided in the recovery of the cattle. It was also largely upon his testimony that Garvin and Lee were convicted and sentenced. The recovery of upward of $30,000 worth of the property of the tribe, as well as the punishment of the thieves, is thus directly due to [15] Frank Henry. That he deliberately risked his life in this matter is beyond question. I am not aware that his connection with this matter has ever before been reported to the Department; he does not brag about it, and did not, the duty merely fell in his way and he did it without hesitation and without comment. Irrespective of the revenue produced, it is of the highest importance that such a man as Heinrich should have this "mountain" range, for it is the natural gateway and base of operations for thieves and none but a man of absolute integrity and unquestioned courage should be permitted to occupy it.

Heinrich's attitude toward and relations with the Indians have been most liberal and beneficial. His registered bulls breed to the Indian cows running upon the same

range, thus improving the Indian herd. His blooded stallions are always at the service, free of charge, of any Indian who will take his mares to Heinrich's ranch at Slack.

Heinrich's lease of the George Pease place is a further illustration of the benefit which he may be to the Indians. That Mrs. Grey should have referred to this lease as an evidence of Heinrich's wrongdoing proves either her willful bias or her inability to perceive the true relations of facts examined. George Pease is a half-breed who is possessed of much shrewd common sense and good business judgment. He is honest and industrious, but he is a cripple. His place is, as Mrs. Grey says, one of the best on the reservation, but through his inability to do the necessary work himself or to get suitable help to do it for him, it had fallen into very bad condition, and further neglect would have resulted in very great damage. Much of the place was grown up in brush, the buildings and fences needed repairs, and the irrigation system needed almost entire renewal. Heinrich leased the place, undertaking to make these necessary repairs, to clear up the brush, and put in stipulated acreages of alfalfa and grain each year. The place contains some 1,600 acres in all, including 300 acres under irrigation, and comprises the lands of George Pease himself, his wife, and nine of his children. The leases are for farming purposes and run for a term of five years, the aggregate rentals being $1,200 a year. When I [16] visited the place about the middle of June much of the brush had already been cleared up, the dam had been repaired, and work was in progress on the ditches; much repairing had been done on the barn and fences, and more than the stipulated amount of alfalfa and grain had been put in. A number of other improvements and conveniences not stipulated in the leases had been made or were in progress, and altogether the whole atmosphere of the place was inspiring in the extreme. It can not but have a beneficial influence as an object lesson to the Indians of what can be done with these lands. The irrigated parts of this reservation are very rich. "They need but to be tickled and they will laugh with harvest;" and even on much of the hill land winter wheat can be grown sucessfully. When George Pease's place is returned to him with the improvements, after Heinrich's five years' occupancy, it will unquestionably be worth several times as much as when the leases were made, and in the meantime he is receiving enough rental to support him and his family in comparative comfort. The arrangement is not only just and equitable to George Pease, but highly beneficial as an object lesson and center of influence among his neighbors. Heinrich is glad to have any of them come and work for him on the place, and they have thus an opportunity not only of earning good wages, but of learning the best methods of farming.

C. M. BAIR.

On July 1, 1900, grazing district No. 4 was leased to C. M. Bair for five years for the grazing of 25,000 sheep, at an annual rental of $2,610. At the expiration of this lease bids were advertised for in the usual way for the leasing of this district. Prior to and at the time of the opening of the bids Plenty Coos, on behalf of the Pryor Indians, whose lands are adjacent to this district, protested against leasing it for cattle. The highest bid was that of John T. Murphy, $8,000 for the grazing of cattle; the next bid was that of Mr. Bair, $7,000 for the grazing of sheep. Plenty Coos (who was in Washington at the time, by authority of the Department and at the expense of the [17] Crow funds) argued that the cattle would break down their fences and overrun and damage their farming lands; that cattle outfits would furnish little or no market for hay and other produce, while sheep outfits furnished a good market for produce; that therefore it would be better for the tribe as a whole to lose the extra $1,000 rental to be derived from the cattle lease than for the Pryor Indians to suffer the damage from cattle and at the same time lose the market which theretofore Bair's sheep had furnished them for their produce. Apparently this argument had weight with the Department, as the Secretary decided to reject all bids for the leasing of district No. 4 and give it to Mr. Bair under a grazing permit on terms which would secure the same return that he had bid for the lease. It should be borne in mind that the bids were opened in Washington and the entire action above outlined taken by the Commissioner of Indian Affairs and the Secretary of the Interior, apparently without any suggestion from the Indian agent. (See Indian Office letter of May 6, 1905, "Land 34827, 1905.")

Under this permit, which was for four years from July 1, 1905, and allowed him to run 35,000 sheep on district No. 4, Mr. Bair is now operating. No complaint has been made of his use of this district under his permit. Mrs. Grey's criticisms relate entirely to the situation which I will presently describe in connection with Bair's sheep in the Big Horn-Little Horn territory, her allusions to the permit in that connection being entirely irrelevant.

Under his permit Mr. Bair is required to buy from the Indians in his district at market rates all *their surplus* hay and other produce. This requirement Bair has

w, who has the adjoining district, No. 3, under lease. Snidow keeps in the strip of territory west of Pryor Creek Valley for the purpose uce under the terms of Bair's permit. In exchange Bair has the putting a similar number of his sheep upon Snidow's lease, but I do not that he has always exercised this privilege. Such an exchange of favors to be common among sheep [18] men, and I have no criticism to make number on district No. 4 does not exceed 35,000. I found no evi- d been the case during the present season, and heard no charges by ere had been too many sheep on this district at any time. Mr. t is that he had only four bands (or about 12,000 sheep) upon this luring the last winter and spring; that his general policy is to retain this dis- t of Pryor Creek and especially near Keyser, practically ungrazed except at time, to finish up his mutton quickly after shearing and before shipping to

Bair and Snidow shear at Keyser, 8 miles below Pryor. I suspect that during g time it may well happen that more than 35,000 sheep may be on this district a short time. But I found no indication that such was the case this year; nor should se such a condition in any case, provided it was temporary only and a mere of shearing time. The advantages to the Indians in the opportunity to work wages for those who will work, in the perquisites to them in the way of sheep dentally injured by the shearing machines and the like, and in the market for r produce incidental to the presence of the shearing camp would more than com- pensate for any possible disadvantage from the temporary presence on the district of more sheep than the permit allows.

Sheep feeding in the Big Horn-Little Horn territory.—Prior to 1905, while the Big Horn irrigation ditch was digging, the Indians in the Big Horn bottom found a convenient and profitable market for their hay at the ditch camps, not only for Government animals but for the teams of Indians who were working on the excavation and who therefore could not put up their own hay. As the ditch camps disappeared upon the completion of this work the Indians' market for their hay likewise vanished; and at the same time, as the water was turned into the ditches and more and more land came under irrigation, a larger and larger quantity of hay was produced. The Indians clamored for a market.

[19] The question of baling and shipping the hay was carefully considered by the Big Horn farmer and by the agent. After correspondence they concluded that even under favorable conditions the hay could not be baled, hauled to the railroad, and shipped to market and produce more than the equivalent of $3 a ton in the stack.

The question of making a market for the hay by requiring the several lessees and permittees on the reservation to buy all the surplus for their stock was taken up with the Department by the agent. His suggestion was that the lessees and permittees be required to purchase all the surplus hay produced on the reservation, at market rates; but this proposition was overruled by the Department, and the outcome was that the permittees and lessees were required to purchase the surplus hay in their own districts only. This left the Indians of the Big Horn-Little Horn region, which was not included in any of the districts under lease or permit, without an assured market for their hay; but as to this the Indian Office advised the agent, under date of April 7, 1905 (Land 26294—1905), that these Indians should sell their hay "in the open market."

I apprehend that in making this decision the Indian Office may have acted upon imperfect information of the conditions existing upon the reservation. As a very large part of the territory concerned is from 20 to 40 miles from the railroad, it would manifestly be impracticable to get this hay to the "open market" in the ordinary acceptation of that term, on the basis of anything like a reasonable return, except when hay might happen to be unusually or abnormally high. As, therefore, it was impossible to find a paying market for the hay by taking it to the consumer, the only alternative was to make a market by bringing the consumer to the hay. But it is obvious that an "open market" could not be reached in this way, since that term implies unrestricted competition, and unrestricted competition on such a proposition would imply unrestricted license to come upon the reservation to buy and feed hay, and such unrestricted access of all buyers would [20] inevitably bring upon the reservation many undesirable characters, who would do the Indian more harm than the market for his hay could possibly compensate him for. Therefore, again, the only alternative, if a market was to be found for the hay, was to get some responsible feeder whose reputation for integrity was such that he could be trusted to deal fairly and honestly with the Indians in purchasing their hay at market rates, and in making fair payment for incidental use of or damage to allotments in connection with the feeding of the hay in the neighborhood.

It is quite the custom of the country, in the Yellowstone Valley at any rate, to market hay in the stack by selling it to sheep men, who bring their bands to the hay

and feed it on or near the field where it was cut. And this seemed to be the only practicable way of securing a market for the Indians' hay in this Big Horn-Little Horn region. The agent took the matter up with Mr. Bair and a number of other sheep men, and finally the following arrangement was made with Mr. Bair:

He was to bring his sheep upon the reservation in the fall, winter them in the valleys while feeding the hay, and take them out again in the spring. He was to buy all the surplus hay of all the Indians in all the territory not included in the various grazing districts at a flat price of $5 a ton in the stack. He was to make satisfactory settlement with the Indians themselves for any allotments which he used, and for any damage to allotments.

Under this arrangement Mr. Bair brought in sheep about Thanksgiving time in 1905 and 1906. The agreement was carried out as above outlined. Just compensation was made to the Indians for the use of their property or for damage to it. They were employed in many cases where they were willing to work, and could be relied on, in connection with the feeding camps and for hauling hay from the stacks to the feeding places. Mr. Bair bought all of the hay, although, by reason of the inexperience or carelessness of the Indians in putting it up, much of it was worthless. Much of the hay for which Bair paid was eaten by the [21] Indians' own stock; in many cases it was destroyed because the Indian after getting his money did not take ordinary care to protect the hay; and much of it was never used by Bair, either on account of its poor quality or because it was not needed. Probably at every meal the Indians merely visiting at the sheep wagons increased the number to be fed to several times the normal size of the working crew. But they were always welcomed and always fed without charge.

In the spring of 1906 the agent induced Mr. Bair to establish a shearing plant at Garryowen. In the construction of this plant Indians were employed, and payment was made to them for the use of allotments and other property. The advantages to the Reno Indians from the establishment of this plant were the same as those above described in connection with the Keyser plant near Pryor. It was to gain these advantages for them that the agent opened the negotiations with Bair.

In 1906 the sheep after feeding out the hay were held in the hill country between the Big Horn and the Little Horn until shearing time. Nothing was paid for this temporary use of the common range, but wherever allotments were used they were paid for. The sheep were all sheared and shipped out during June and the early part of July, with the exception of two or three bands which were held upon allotted lands under arrangements with the allottees until August. All the sheep that had been brought upon the reservation in the fall of 1905 for the purpose of feeding hay were taken off by August, 1906. By the next spring Mr. Bair had concluded that it would best suit his interests to have his shearing plant in his northern range upon the recently opened ceded strip, and accordingly he moved it last April to Waco, on the Northern Pacific, and also in hauling distance of the projected Milwaukee road and hence a competitive point. In consequence of this change the sheep which were brought in last November for feeding hay were all off the reservation by the first of May.

There may be some slight criticism of the failure to pay for the temporary use of the range last summer while waiting for shearing, but [22] under the circumstances the equitable charge for this privilege would have been very small, and in my opinion it was more than offset by the advantages to the Indians from the presence of the shearing plant. There were probably 24,000 sheep on the range for two months. At 20 cents per head per annum this would be $800. But a large proportion of these sheep were on allotted lands for which satisfactory settlement was made with the allottees. The removal of the shearing plant was in my opinion a misfortune for the Indians; they could well have afforded to pay a reasonable bonus to retain it.

Mrs. Grey is right in saying that there were ten bands of sheep, aggregating about 30,000 head, in the Big Horn-Little Horn territory last winter and spring. They were there in pursuance of the arrangement which I have described above, which I regard as eminently fair and decidedly advantageous to the Indians. Aside from the fact that it was not known to the Indian Office, this arrangement can not be criticised. And this criticism, which is merely technical and does not touch the equities of the situation, is probably partially met by the Indian Office letter of April 7, 1905, to which I have already referred. As I have gone over the reservation not an Indian has charged Bair with cheating him or with dealing otherwise than liberally and open handedly. Even the Indian who wrote Mrs. Grey, 'Hurrah for the Crows!" when Bair's shearing plant was torn down at Garryowen, told me that he did not know why he said "Hurrah for the Crows!" except that Mrs. Grey had told them that Bair was doing them great wrong; but as for himself he was sorry, as the plant was on his place and Bair had paid him $195 for the use of his buildings for a few months. This came out very unexpectedly to me in the course of an examination on an entirely

different matter. The only man I recall to have spoken a definite ill word of Bair is Peters, the squaw man to whom I have already referred. I afterwards learned that Peters had had a difficulty with Bair's foreman, and further that Bair did not dare trust his sheep near Peters's place for fear of theft.

[23] Many of the Indians have asked me, both as I went over the reservation and since, to get Mr. Bair to return and buy their hay as heretofore. To all I have said that if I found that Bair was a proper man to be on the reservation for this purpose, and a fair arrangement could be made with him, subject to the approval of the Department, I would recommend that he return.

I have seen Mr. Bair several times and talked with him fully. I believe it will be to the best interests of the Indians for him to return. He says he has felt pretty sore that after he had been upon the reservation so long, and had done the square [illegible] liberal thing by the Indians all the time, they should be so easily turned against [illegible] and give countenance to vile charges against him by a mere interloper like Mrs. [illegible]y; and I can not blame him for feeling this way. He says he had not intended [illegible]ome back to buy the hay this fall, as he was not under any obligations to do so [illegible] could get along very well without it; that, in fact, he had come in originally as [illegible]ch in the interest of the Indians as on account of the business advantages to be [illegible]ned. I have said to him that he should not blame the Indians for the turmoil of [illegible]s spring; that it was not their fault, but Mrs. Grey's, who misled them; that they [illegible]ve had all sorts of vague things to say to me about him, evidently at the suggestion of Mrs. Grey, but that when I have gotten past these things and down to definite facts not one has had any substantial charge against him, but all have spoken well of him; and that they are now almost unanimously urging me to induce him to return. I have said to him that if he can make a fair and just arrangement with the agent, subject to the approval of the Department, I wished to urge him to return. He has taken the matter under favorable consideration, and at my suggestion the agent has written him proposing that he come in this fall on practically the same basis as last fall, but with the express understanding that this arrangement is subject to the approval of the Department. I strongly recommend that if these negotiations reach a satisfactory conclusion the arrangement be approved by the Department when submitted by the agent.

[24] The abundant hay crop consequent upon the unusually rainy season this year will go far toward rescuing these Indians from the consequences of their neglect at seed time, when they were all agog with Mrs. Grey's propaganda. Probably at least twice as much hay will be put up this year as last, and the question of getting a safe and fair market for it is of the utmost importance.

Mrs. Grey charges that the Indians were compelled to sell their hay to Mr. Bair. This is in a measure true, and the reason for it is apparent from the above discussion. Other responsible sheep men were free to come in on the same basis as Bair, and were invited to do so, but did not. Bair was the only purchaser, but he was required to and did pay a reasonable price for the hay.

She also charges that Bair took Plenty Coos, Big Shoulder, and Frank Shively to Washington in 1905 at his expense and in his interest in connection with his bid for district No. 4. The records of the Indian Office will prove this to be false by showing, as I pointed out incidentally above, that Plenty Coos and his party came to Washington under authority from the Indian Office and that their expenses were paid out of the Crow funds.

In reference to Bair's statement to the Department that he spent $10,000 a year on the reservation in addition to his permit charge, she says: "He has not paid anything like $10,000 to the Indians." I have personally inspected Mr. Bair's bank account and found that between August, 1906, and June, 1907, Mr. Bair paid out in checks on the reservation, in addition to his permit payments, $19,710.62, most of it being paid directly to the Indians. It is quite likely that a considerable amount was also paid to them from time to time in cash.

INHERITED LAND SALES.

On September 1, 1906, and again on May 6, 1907, sales of inherited Indian lands near old Fort Custer were made in the manner prescribed by the regulations. As to these sales Mrs. Grey alleges in substance: (1) that the Lincoln Townsite Company wished to secure these lands for [25] the establishment of a town; (2) that the allotments were so manipulated that the lands desired by the Lincoln Townsite Company should be "dead lands," and hence alienable; (3) that, moreover, no "dead allotments" were made in this region until the heirs had signed an agreement binding *them to sell*; (4) that those who refused to sign such an agreement were allotted undesirable lands in other parts of the reservation; (5) that the owners of these "dead

allotments" did not really wish to sell them, but were being forced to do so in pursuance of the agreement they had been induced to sign, and (6) that these Indians were thus being left practically landless.

The transactions in the first sale were for the most part closed, but all in the second sale were still pending, and my first step after arriving on the reservation was to suspend all work in connection with these sales and seal up the papers until I should be able to investigate the matter fully. I have since examined carefully these papers and the related records in the office, and talked with nearly all of the petitioners for these sales, as well as with the agent and employees at the agency and with the allotting agent, John K. Rankin, and his surveyor, Carl Rankin. In the light of the information thus gained I will discuss the various elements of Mrs. Grey's charges in the order in which they are stated above:

(1) This is measurably true; the Lincoln Land Company did want some of these lands for the purpose indicated, for it did buy some of them and did establish a town site thereon.

In the first sale there were 27 pieces of land offered, with a total area of about 2,500 acres, and C. H. Morrill, acting for the Lincoln Land Company, bid on five of them, with a total area of 640 acres, and was successful in each bid. The relation of Morrill's bids to those of the next highest bidder in each case as well as for the entire acreage purchased is shown by the following table:

[26]

Description (all in T. 1, R. 33 E.).	Acreage.	Morrill's bid.		Highest opposing bid.		Number of bidders.
		Total.	Per acre.	Total.	Per acre.	
N. ½ of SW. ¼ of sec. 24	80	$4,920	$61.50	$640	$8.00	5
N. ½ of SE. ¼ of sec. 23	80	4,920	61.50	2,008	25.10	5
NW. ¼ of sec. 23	160	6,240	39.00	3,200	20.00	5
NE. ¼ of sec. 22	160	2,800	17.50	1,500	9.38	5
NE. ¼ of sec. 23	160	6,240	39,00	1,040	6.50	4
Total	640	25,120	39.25	8,388	13.10	.....

From the above it is apparent that the Lincoln Land Company bid successfully for a little more than one-fourth of the entire acreage offered and paid prices averaging about three times as much as those offered by its nearest competitors. Mrs. Grey's statement that "the Lincoln Townsite Company got the land," referring to the whole amount offered for sale, is untrue, and by reasonable inquiry she might easily have ascertained this.

The highest price brought by any piece on which Morrill did not bid was $20 an acre for a 40-acre tract, and the average price brought by all the tracts not bid on by him was $9.72 an acre. In all these cases, both where Morrill was a bidder and where he was not, the bids varied very widely, and the disparity between the highest and the next to the highest was in almost every case very considerable. There is every indication of fair and open competition. On one of the tracts offered there was no bid, and in another case the heirs refused to confirm the sale.

In the second sale there were 33 pieces of land offered, with a total area of about 2,200 acres (not 5,000 acres, as stated by Mrs. Grey, an error which she might easily have avoided, for the areas were indicated in the advertisement to which she refers). Morrill, representing the Lincoln Land Company, submitted bids on four of these tracts, with a total area of 480 acres, and was successful in three bids, being without opposition in two of them and having only one competitor in the [27] third. The following table presents the details as to these bids:

Description (all in T. 1, R. 33 E.).	Acreage.	Morrill's bid.		Highest opposing bid.		Number of bidders.
		Total.	Per acre.	Total.	Per acre.	
SW. ¼ of sec. 23	160	$2,200	$13.75	$2,040	$12.75	2
S. ½ of SE. ¼ of sec. 23	80	1,220	15.25	.....	.....	1
S. ½ of SW. ¼ of sec. 23	80	1,104	13.80	1,640	20.50	2
NW. ¼ of sec. 24	160	3,824	23.90	.....	.....	1
Total	480	8,348	17.39	3,680	15.33	.....

The average price brought by the 400 acres for which Morrill's bids were the highest was $18.11; the average price of the 1,400 acres (more or less) for which he did not bid or bid unsuccessfully was $18.67. For seven of the tracts offered for sale, amounting to 400 acres, there were no bids, and one other tract the heirs refused to sell at the price bid.

(2) In that part of the old Fort Custer Military Reservation lying west of the Big Horn (which is the territory in question) there are 109 allotments. Of these, 48 were made as trust allotments to living Indians and 61 as "dead allotments." This proportion of "dead allotments" is much above the normal average in other parts of the reservation, and gives some color to the charge that the location of some of these dead allotments was the result of manipulation. This charge obviously falls more heavily upon the allotting agent than upon the Indian agent, although Mrs. Grey evidently aimed the charge directly at the latter. The Indian agent's connection with this matter is, however, at most but remote and incidental, whereas that of the allotting agent is direct, immediate, and essential.

The following explanation is based for the most part upon statements made to me by the allotting agent, John K. Rankin, and his son, Carl Rankin, who acted as his surveyor.

[28] The allotting outfit was camped in the neighborhood of old Fort Custer first in September, 1904, and again in August, 1905. During the first visit the same policy was followed that had governed allotments already made in different parts of the reservation—that is, all the lands of a family, including the inherited lands, were bunched together so far as practicable. After making all the allotments due to Indians living in that neighborhood, there were still desirable lands left open.

The desirability for town-site purposes of these lands along the railroad just west of the Big Horn was recognized by both Mr. Rankin and his son, and in fact it would be fairly obvious to anyone of ordinarily good judgment. The opportunity, therefore, to those Indians who still had a right of selection of "dead lands" was obvious; if located here they would be able to sell such alloments for a much higher price whenever a town should be started than they could probably get for lands elsewhere, even though much more desirable for agricultural purposes.

Both Mr. Rankin and his son state that they had no knowledge at the time of any plans then existing for the establishment of a town at that point. Mr. Carl Rankin tells me that he made efforts to find out if such plans had been made, but without success. He has recently become the agent for the Lincoln Land Company at Hardin, the town established upon these lands.

Allotting Agent Rankin says that as a matter of policy he is opposed to the Indian selling any of his land, but the law gives him the right to sell his inherited lands, and he can not be prevented from doing so, and that he (Rankin), knowing the Indian as he does, firmly believes that it is only a question of a short time when every "dead allotment" on the reservation for which a purchaser can be found will be sold. Such being the case, he considers it obviously to the interest of the Indians to have these salable lands bunched on the border of the reservation and near the railroad, both for the purpose of keeping back the inflowing tide of white settlers and also to get for the Indian when he does sell the largest possible return for his land.

[29] Having, therefore, given the Indians living around Fort Custer their proper first right of selection there, he called the attention of Indians in different parts of the reservation to the advantages to be gained by selecting their inherited lands in that neighborhood; he told them that if they had a plenty of lands of their own (trust lands) and would therefore probably want to sell their "dead lands," those lands would probably bring them a better price if located near Fort Custer than if located in the interior of the reservation. Those who chose to follow this suggestion had their "dead lands," or a part of them, located near Fort Custer, as long as there was any open land remaining in that neighborhood. Those who said they wished to hold their lands and preferred to have them located along with their trust lands were allotted in accordance with their wish wherever it was possible to do so.

The testimony of practically all the Indians I have examined confirms this; many of them have told me of this advice of Mr. Rankin's; that they thought it wise and acted upon it; a smaller number have insisted that it was their own idea, without any suggestion from any source, to have their "dead lands" located as they were.

Mr. Rankin's statement is a reasonable and logical, and I think perfectly proper, explanation of the placing of these "dead allotments" where they were placed, and my investigation has not developed any facts which lead me to doubt that this is the true explanation. I am thoroughly convinced that there was no manipulation in this connection in the sense of fraud or deception practiced upon the Indian with a view to taking any advantage of him or inducing him to disregard his best interests. At the same time I recognize that none of the matters above recited would be necessarily

inconsistent with the existence of other motives than those stated—possibly selfish and even improper motives—prompting the allotting agent to the action taken; but such motives have not been directly charged, and I have therefore not gone into that question at all, on the ground that it is, at least in the absence of any apparent reason for suspicion, beyond the necessary scope of my present investigation.

[30] I have found no reason to suspect that the Indian agent had any connection whatever with the selection of these lands.

(3) Mrs. Grey says: "When the lands were allotted, Major Reynolds invariably asked the allottee of inherited lands if he were willing to sell the land. If the allottee signed an agreement to sell the land, he was allotted along the Big Horn River near Fort Custer." This is absurdly, almost stupidly, false. Not only would an agreement to sell his allotment not be enforceable against an Indian, but any agent who might attempt to enforce such an agreement would obviously run the risk of removal from office if not of prosecution. I have, however, questioned the Indians closely on this point, and not one alleges that such an agreement was ever made or even suggested to him by anyone.

(4) That this is false follows naturally from the above. I have not found a single Indian who was refused an allotment in this neighborhood if he wanted it and was entitled to it, nor one who was forced to take an allotment here when he preferred it elsewhere.

NOTE.—Since drafting the above, Morris Schaffer, one of the most progressive and reliable of the younger Indians, tells me that he asked to have a part of his "dead lands" allotted near Fort Custer, but was refused. I have written Mr. Rankin, asking the reason for his action in this case, but have not yet received his reply. The circumstances of the case, however, so far as I can learn them by inquiry here and by examination of the agency records, are such that I think it probable that Mr. Rankin's action was necessary under his instructions. This would depend somewhat upon the exact location of the land Morris Schaffer wished to select, and as to this I have not obtained definite information. But this does not affect my general conclusion as above stated.

P. S.—My letter and Mr. Rankin's reply are submitted herewith as Exhibit C. [See p. 674.]

(5) This charge is entirely without foundation. With a single exception, every Indian I have examined has said not only that he wished to sell the land at the time it was advertised, but that he still wishes to sell it, and has urged me to have the sales go through as quickly [31] as possible, so that the money may be available for buying teams, cattle, agricultural machinery, or the like.

The single exception referred to is Medicine Crow, one of the judges of the Indian court and one of the most trustworthy and respected men of the tribe. He was, however, opposed to Mrs. Grey's proceedings from the beginning, and I understand never had any talk with her at all, so his case could not have formed the basis of her charge.

Medicine Crow and his wife are the heirs of Medicine Rope, their daughter. Medicine Rope had, under the Hatchitt allotment 160 acres in the foothills on the upper waters of Lodgegrass Creek. In accordance with his instructions, Mr. Rankin relocated this allotment, presumably in accordance with Medicine Crow's selection, 120 acres along with the other lands of Medicine Crow's family near Lodgegrass Station, and 40 acres near old Fort Custer.

Medicine Crow says that when Rankin suggested placing a part of the allotment near Fort Custer with a view to selling it, he said he would consider the matter, that he was a chief among his people and he did not want to set an example of selling land. It happened that there had been no bid for this piece, and I told Medicine Crow this, and furthermore that even if there had been a bid he would still have a perfect right to refuse to sell. It then developed that what he really wanted was to get back the original allotment; he said he loved his "mountain" range; that when he looked at the mountains it would make him happy to think that he had lands up there, but now when he reflected that those lands were no longer his it made him sad. He claimed that he had never intended to relinquish his "mountain" allotment, and that Mr. Rankin must have misunderstood him. When I said that I would look into the matter and see if there were any possible way to give him back the old allotment, the "nigger in the woodpile" at once peeped out. Medicine Crow wanted to know whether in case he got his old allotment back, I could not also arrange to get him some rental for his "mountain" range, as Frank Henry's camp was now located on it.

[32] It was just as any other child (for even the shrewdest and best Indian is largely a child in his manner of thought) might wish to trade back when he fancied that what he had before was better than what he had got. I am convinced that Medicine Crow thoroughly understood the matter at the time of the allotment. He has acquiesced *in the change. He admits* that he and his wife both joined in the advertisement of

the land for sale, but insists that he would not have done so if he had understood that it meant the relinquishment of his "mountain" land. As to his mountain land, however, he had never before made any claim for rental from Heinrich, although Heinrich's camp was built upon this land soon after it became tribal land again by the relocation of the "dead allotment." It is quite evident that when I questioned him about the Fort Custer land he assumed that the whole matter was in doubt and hence open to readjustment; he knew that there had been no bids on his land; he thought if he had the old land back he could get a good rental from Heinrich, in addition to acquiring the improvements Heinrich has made. The fact that, knowing about the new land, and the sale, he himself harked back to the former allotment, indicates clearly that he understood that the one was in lieu of the other.

I have since told Medicine Crow that his allotment can not be changed. I do not believe that there was any misunderstanding in this case, and even if there had been, I doubt the wisdom of reopening and unsettling these allotments.

I have described thus fully the case of Medicine Crow because he is absolutely the only Indian whose testimony even in a remote degree gives color to Mrs. Grey's charges about these lands.

(6) Mrs. Grey intimates that the owners of these allotments will be practically landless when they are gone. I have examined the landholdings of all the petitioners for the pending sales, and find that not one of them has less than 120 acres of individual trust lands, while some have as much as 333 acres, and the average holding of them all is about 195 acres. And besides these inalienable trust lands most [33] of them have interests in considerable bodies of inherited lands.

REYNOLDS'S CONNECTION WITH THESE SALES.

Mr. Reynolds tells me that the Lincoln Land Company people came to him some time before the first sale to learn whether the lands they desired could be acquired. He learned from them just what they wanted. He told the Indians what the situation was and that by taking advantage of it they could probably get a better price for their lands than they could get in any other way. Had the land company not been able to acquire these particular lands it would naturally have gone just a mile or two farther down the railroad and established the town just outside of the reservation on the ceded strip. It would not have been so desirable a location, but its proximity would have destroyed the possibility of establishing a town upon these lands any time in the near future; and thus the Indians would have lost the opportunity to get any more than mere agricultural values for their lands; and whatever disadvantages may arise from the establishment of a town at the border of the reservation they would have had just the same. Most of the Indians followed the agent's advice and advertised their lands for sale; some did not, but after the lands in the first sale had brought such unexpectedly high prices they too were anxious to sell, and advertised their lands in the second sale. The following diagram of the lands purchased by the land company, showing the purchase price in each case, and whether purchased in the first or second sale, will be instructive in this connection.

(Omitted in this print.)

[34] The inferences to be drawn from this diagram are so obvious as hardly to need comment. The facts in connection with the northwest quarter of section 24 are particularly interesting. The land company people told the agent that this was the piece that they were most anxious to acquire, and its relation to the railroad and the river shows clearly its peculiar advantage. The agent went to the principal, and as he then supposed the sole heir to this quarter section, explained the situation to her, and urged her to sell. When she demurred he advised her to advertise it anyway, explaining that she would not be bound to sell if it did not bring a satisfactory price. But she refused and the land was not advertised. After the sale, however, when she learned the high prices received for the immediately adjoining tracts, she came posthaste to the agent and wanted to sell. Of course the real opportunity was gone; but the land was advertised for the next sale. In this sale it brought only $3,824, the Lincoln Land Company being the only bidder; whereas, the known facts of the case, and the prices actually paid for the adjoining tracts, indicate clearly that the Lincoln Land Company would probably have bid $8,000 or $10,000 for this tract if it had been offered in the first sale.

GENERAL COMMENT.

The facts revealed in the above diagram and in the tables presented under (1) above indicate the following situation:

In the first sale the Lincoln Land Company people were determined to secure the *lands they needed* for the town site They knew that their plans, as well as the obvious

advantages of the lands for town-site purposes, were known to others than themselves and that therefore they would have competition. They accordingly made their bid in each case high enough to insure success. The fact that there were several other bidders for each tract, as well as the very great disparity between the highest and next highest bid in each case, indicates both good faith and the absence of collusion in the bidding. In the second sale the land company people very naturally took into consideration the degree [35] of opposition encountered in the first competition; and made their bids accordingly. On the other hand, their competitors had also learned that the land company people were so determined to get the lands that it was practically useless to bid against them, and in this sale only two opposing bids were actually submitted for lands which it was evident the land company people would wish to acquire. The land company people very naturally anticipated this situation, but in this they miscalculated to some extent, for in one of the cases where there was an opposing bid their bid was too low to secure the land.

As a competent business man, possessing practically complete information as to all the elements of the problem, Mr. Reynolds must have anticipated approximately how it would work itself out. Accordingly he advised the Indians to seize the opportunity offered by the first sale. In doing this I believe that he did no more nor less than his duty as their guardian and agent. The fact that his advice was not followed in all cases, and that several of the tracts desired by the land company people, including the particular tract most desired of all, were not offered in this first sale, is sufficient in itself practically to disprove Mrs. Grey's charges.

I recommend, therefore, that these sales be approved when submitted in regular and proper form in accordance with the law and regulations bearing upon the subject.

THE LAST CROW TREATY.

In 1899 the tribe signed a treaty with Commissioners appointed by the United States for that purpose, proposing to sell to the United States the northern end of the reservation—about one-third of its entire area. The price set upon the land by this treaty was $1,150,000, which the Commissioners figured would amount to something less than $1 an acre. The treaty made somewhat elaborate provisions as to the application of this fund. It also contained the following provision: "Should any article in the agreement fail of confirmation by Congress, then the whole shall be null and void."

[36] This treaty was signed by Charles G. Hoyt, James H. McNeely, and Benjamin F. Barge, commissioners on behalf of the United States, and by Pretty Eagle, Plenty Coos, Two Leggins, and 535 other members of the Crow tribe.

In April, 1901, at the suggestion of the Indian Office, the tribe made a formal amendment to the treaty to meet the views of a Congressional committee in regard to water rights. Again, in March, 1902, a Congressional committee suggested various minor amendments in the treaty, to which the then agent, John E. Edwards, who was in Washington at the time, agreed on behalf of the tribe, by virtue of a power of attorney which was sent him in response to his telegraphic request.

But the chief obstacle to the ratification of the treaty by Congress, as well as the basis upon which it was finally ratified, is clearly stated in the report of the committee of the House of Representatives (H. R. 890, 58th Cong., 2d sess.) upon the bill which amended and ratified the proposed treaty (act of April 27, 1904), as follows:

"There being serious objection to the appropriation of money out of the Treasury of the United States to pay for Indian land, it is proposed by this bill that the Indians will be paid out of the proceeds of the sale of these lands, the United States acting as trustee, neither guaranteeing purchasers nor payment for the land * * *.

"The committee are unanimous in their belief that under the Lone Wolf case (187 U. S., 555) Congress has the equitable right and power to so legislate. The honorable Commissioner of Indian Affairs not only recognizes that the law empowers Congress to so legislate, but he believes that such a method of procedure is altogether best for the Indians, based on the assumption that Congress will have due regard for their welfare. Commissioner Jones so expressed himself before your committee."

In a communication to the Secretary of the Interior under date of January 18, 1904, Commissioner of Indian Affairs Jones had said in regard to this bill:

"It will be noted that the bill makes no provision for the consent [37] of the Indians to the several amendments proposed to be made to the agreement. Believing that the bill if amended as above recommended will fully safeguard and protect the rights and interests of the Indians, it is not believed that such consent will be necessary or need to be obtained. If amended as proposed, the office can see no objection to the enactment of the bill into law."

The history of this treaty in this regard is therefore perfectly clear and easily ascertainable. I believe that the matter was explained to the Indians by the agent and *others at the time and since*, so that they understood the nature of the change in

the treaty as well as in a general way the grounds upon which it was made. They, however, resented the change as unjust and arbitrary, and they still resent it.

Mrs. Grey charges that the change in the treaty by which the Government instead of purchasing the lands outright became a mere trustee for their sale to settlers, was agreed to by Agent Edwards by virtue of a power of attorney which she alleges was forged. She has made this statement repeatedly to the Indians and inflamed their minds greatly thereby. She has also caused this statement to be published in the press. Her action, I believe, was the result primarily of stupidity, but also of malice; of gross stupidity, because the facts were easily ascertainable, and yet she did not know how to find them; of malice, because after a manifestly imperfect examination of the records, she was willing to seize this pretext to inflame the Indians to their own hurt.

Not only was Edwards not agent at the time this change was made, but the power of attorney which he did use (and which I believe to have been genuine, although I have not deemed it necessary to make any investigation on this point), and to which she evidently refers, related to entirely different and quite unimportant matters. Moreover, at that time (March, 1902) the Lone Wolf case had not been decided, and it does not appear that the question of essentially altering the treaty without the consent of the Indians had then been even considered.

Whenever the Indians have brought this subject up, evidently be- [38] lieving the facts to be as Mrs. Grey had represented them to be, I have explained it to them somewhat as follows:

"In the treaty which you offered to Congress you proposed to sell your lands to the Government at a stipulated price. This treaty Congress would not ratify because it said, 'These lands are not worth what the Indians want for them.' Finally Congress determined to change your agreement and then ratify it. It said: 'These are our children. They wish to sell their land. But they don't know what is best, because they are children. We are responsible for them, and we will do what is best for them. We will not buy their lands as they wish, but we will take possession of their lands and sell them. If the lands sell for more than they ask for them, they shall have whatever the lands bring.' So this is what Congress did. It did it because it believed it to be best, and because it had the power to do it. But it was Congress that did it, and Congress alone is responsible for it. Congress did not ask your agent or anyone else to consent to it, and it did not ask you to consent to it, because Congress had the power to do it without consulting anybody. Now, whether it was right or just, or even wise, for Congress to do this is not for me to say; but I wish you to know that whoever has told you that anybody other than Congress is responsible for this has simply misinformed and misled you."

They have always appeared to understand this explanation, and while of course it does not remove their resentment for the disregard of their treaty, it shows them that this disregard is not the result of any fraud practiced in secret, but the result of an exercise of absolute legal right. I think they now generally understand the matter.

In this connection I can not refrain from expressing my very positive belief that, regardless of the strict legal rights of Congress in the premises, such treatment of the Indian is unwise and tends to impede and retard the solution of the Indian problem. To deal fairly and to keep one's word unfailingly are essential to any really beneficent influence upon the Indian. I refrain from direct comment upon the moral and ethical aspects of this matter, but it is from these points of view (abso [39] lutely regardless of the purely legal question of power) that the Indian instinctively looks at such questions in the white man's dealings with him, and it is for this reason that I believe my remarks are justified from the point of view of mere policy.

Mountain boundaries.—In this connection it is proper to say that Plenty Coos, speaking for the tribe and I believe truly voicing their sentiment, requests me to make a record of the fact that it is the wish of the tribe not to dispose of any more of their lands. In particular they wish to retain their mountain boundaries to the south, and in this I believe they are wise.

PUNISHMENT OF OFFENSES.

Mrs. Grey makes general charges to the effect that the agent has punished the Indians by long terms of imprisonment in the guardhouse without just cause. Among the Indians also I have heard some general complaint of this kind. In such cases I have always invited specifications, but I have not had a single matter of this kind presented to me in such shape as to form the basis for investigation. My finding upon this subject is based therefore upon general inquiries and observation rather than upon investigation of specific cases.

I have no doubt that the agent may sometimes have made mistakes in the infliction of punishment, but I find no reason to believe that these mistakes have been frequent,

or as a rule serious, or that they have been generally on the side of too great severity. In fact, I am inclined to think that he has more frequently erred in the opposite direction, and I have taken occasion to criticise him personally and severely on this ground. One specific case which has come under my attention may deserve mention. It is the only really serious blunder that I know to have occurred. The case was first brought to my attention by the aggrieved parties, who believed that the offenders had not been sufficiently punished.

In the latter part of last summer He Does It and his wife got some whisky. They went to Little Hawk and his wife and induced them to [40] drink. They all evidently became drunk. While in this condition He Does It made a revoltingly brutal criminal assault upon Little Hawk's wife. She was in a most pitiable condition, and for some time was not expected to live. He Does It and his wife were arrested and sent to the agency. He Does It was kept in the guardhouse for five or six weeks and then turned out, at the solicitation of a large number of the Indians backed by one of the Indian judges, during the Crow fair.

I examined rigidly all four of the persons concerned in the crime. Their stories are conflicting, but they all agree as to the essential facts of the possession of the whisky and the commission of the assault by He Does It; and the nature and effect of the assault was known by the physician's examination. There is no question of He Does It's guilt, and he should have been punished in a most exemplary manner.

The crime was committed during the absence of the agent on his vacation. Mr. Miller, the clerk, as acting agent, committed He Does It to the guardhouse to await developments, it being then expected that the woman would die, in which case he would, of course, have held the prisoner for the action of the grand jury. But in two or three weeks she got well. In the meantime the agent had returned, the rush of work incident to the Crow fair was on, and at the solicitation of the Indians He Does It was released by the agent without being brought to trial before the court of Indian offenses and after having suffered a period of imprisonment which was hardly adequate punishment even for the introduction of the whisky, to say nothing of the brutal assault. It is fair to say that the agent had not been fully informed of the seriousness of the man's offense—committed during his absence—and that Medicine Crow, the Indian judge who intervened in his behalf, also claims that he knew only of the whisky transaction and not of the assault.

The miscarriage of justice in this case is due to a lack of proper system in such matters, and both the agent and Mr. Miller are blameworthy in this connection. Nothing that my investigation has developed seems to me to merit severer condemnation than this. I have talked fully [41] and plainly with both Reynolds and Miller on this subject, and I have also endeavored to impress upon the Indian judges the necessity of punishing sufficiently not less than justly. I do not believe that any similarly grievous crime is likely to go thus practically unpunished again.

The agent informs me that the chief difficulty in attempting to punish such cases as this in the Federal courts is that the Indians will seldom testify against each other; he thinks that even in this case Little Hawk and his wife, although bitter and vindictive now, would probably tell a different story if actually put upon the witness stand, and thus prevent a conviction. The doctor who examined Little Hawk's wife has since been transferred to a station in the State of Washington.

I have discussed very fully with the agent the question of introducing a more effective system in the matter of the punishment of Indian offenses, and particularly of providing a proper docket for the entry of the particulars in connection with each arrest, with space for a brief of the subsequent proceedings and the final disposition of the case. There is no systematic record kept at present. I believe that very substantial improvement can and will be introduced in this regard.

THE GUARDHOUSE.

Mrs. Grey is in error in saying that the guardhouse is never cleaned. The prisoners (when there are any) are required to sweep and scour it occasionally, though probably not so often as it should be done. I have directed Big Medicine, the chief of police, to see that the guardhouse is thoroughly swept every day when occupied by prisoners, and that it is scoured every few days.

Mrs. Grey is also in error in saying that three young girls were shut up here last spring for running away from the mission school. They were never kept in the guardhouse at all, but were kept in the custody of Big Medicine's wife, and at her house. The young bucks who got them out of the school and ran away with them were kept in the guardhouse. Generally, when men and women are in the guardhouse at the same [42] time the members of one sex or the other are kept locked in the cells. This is the only means of keeping them separate, unless, as in the case of these schoolgirls, the women are kept at the house of a policeman.

only criticism in this connection is as to the character of the guardhouse itself. a wretched shed, built ten or twelve years ago for a stable, and afterwards remod- for a prison. In winter it is hardly safe, as it has no chimney, but only a stove- through the roof. A new guardhouse should be built, with suitable accommoda- s for both men and women. The women as well as the men frequently deserve ishment, particularly for the offenses of adultery and seduction. Proper prison ities will aid greatly in combating these and other evils. I have directed the t to take this matter up with the Indian Office, and I recommend that he be given iority for the construction of a suitable guardhouse.

ISSUES GOVERNMENT PROPERTY, TRIBAL PROPERTY.

ues.—In her charges Mrs. Grey alleges that the agent shows favoritism in the dis- ition of issuable material, particularly barbed wire, charging that he gives these gs out as rewards for "packing news" in connection with the "spy system," which says he has organized. I have heard some complaint among the Indians in regard sues, particularly barbed wire, but none of them has mentioned the "packing of s," and I have found absolutely no evidence of the existence of any "spy system" tever.

e policy of the present agent has been to issue barbed wire only for the purpose of ng cultivated lands. There is not enough wire to issue for all purposes, and he ves that those who wish to fence their pastures should buy the wire for themselves. equently, those Indians who have the largest areas under cultivation receive the st issues of barbed wire. On the other hand, the former agent believed that the dians should be encouraged to fence large pastures for the raising of herds; hence he made large issues of wire to those who had any considerable number of cattle.

[43] These practices naturally give rise to charges of favoritism, but while some mistakes have doubtless been made in the application of these opposing principles by the two agents, I believe that the two systems have been administered in the main justly and fairly. Any criticism that is to be made falls upon the wisdom of the system and not upon the fairness of its application.

The policy of free issues.—The whole policy of a free issue of material and supplies seems to me to be an unwise one, judging from its results as I have observed them on this reservation. It is pauperizing in that it removes the incentive to self-help. It often directly impedes the Indian in learning the important lesson of frugality, and particularly the economy of time. An Indian will sometimes spend two days, or even longer, in coming to the warehouse for some small issuable article worth perhaps a dollar or less. He thinks he is getting something for nothing; but if he would put in that time at work he could often earn considerably more than the value of the article issued, and would save the expense of the trip. Moreover, to purchase what he needs with a part of the money thus earned would have a direct bearing upon his progress toward self-help, self-respect, and civilization, for the Indian, no less than the white man, appreciates a thing in proportion to what it costs him. But he can hardly be blamed for this extravagance of time and energy so long as the system encourages it.

In this I think I express the agent's views also. He has continually reduced his estimates for issuable material, and aims, if possible, to discontinue the practice when the present stock in the warehouse is exhausted.

Issue book.—In connection with this question I had occasion to examine frequently what is known as the "Issue book." This is simply a memorandum record of the articles issued to the various members of the tribe. Each Indian has a separate page on which his account is kept. The entries in this account show simply the date of the issue and the article issued. The value is not shown; and as many different articles [44] are issued in varying proportions to different Indians it is practically impossible to reduce these accounts to any common basis for the purpose of comparison. I do not know whether or not this record is in the form used throughout the service, and in fact I am told that the keeping of any record of these issues is purely voluntary and is not required by the Indian Office. It is a good deal better than no record, but more than this I can not say in its favor.

If free issues of material are to be made, I am very strongly of the opinion that they should be made on the basis of value. A regular ledger account could be kept with each Indian; this account should be opened with a credit entry in dollars and cents representing his proportion (on whatever basis be determined upon, whether per capita or otherwise) of the total issue to be made, perhaps first setting aside a part in a general account to be apportioned later as contingencies arise; and any additional issuable material should be similarly apportioned in credits to the various accounts as it becomes available. Then whenever an issue is made to an Indian he should be charged with the article by its name and value. No Indian should be permitted to overdraw his credit. The sum of the balances on these accounts would represent

the total value of the issuable material remaining on hand, which could be directly checked by an actual inventory; at present there is no such check possible.

Some such system as this would tend to prevent favoritism, as well as furnish the basis for a direct answer to charges on that ground. It would, moreover, have a direct and strong influence in encouraging thrift and prodding the Indian along the road toward civilization.

Issues to Government employees.—The employees at the agency are furnished with quarters, and in connection with these quarters I find that a considerable amount of property, chiefly in the nature of furniture, stoves, tools, and the like, has been issued to them for their personal use. A record of this material is kept by the property clerk, and each recipient is required to account for it as Government property. [45] This has been the practice for many years. No one here knows of any express authority for it from the Indian Office, or when the practice began; and similarly there appears to be no record of any express authority for the general practice of furnishing quarters to employees. I must assume, however, that this latter has been at some time authorized, and that it is in accordance with the policy of the Indian Office, for it could hardly have arisen otherwise. The same may be true as to the furniture, etc. In the absence of a clear explanation, however, I feel compelled to report the facts as I find them for such action as the Department may deem best in view of the practice throughout the service, with which I am quite unacquainted. I wish to say, however, that even if this practice is considered improper (as it seems to me that it is), I am not inclined to criticise the present force at the agency, for the reason that it is quite evident that the practice has simply been carried on by them as handed down by their predecessors, and the manner of its administration precludes the possibility of a criminal motive.

In this connection, I find that the carpenter has been in the habit of making various articles of furniture, such as tables, bookcases, and the like, sometimes on an order from the agent, but generally upon the verbal request of the employee who wishes it for his personal use. These articles are made entirely of Government material and on Government time (or rather the time of the tribe, for the carpenter is paid out of tribal funds). Even if this practice be proper, the decision as to such an expenditure of time and material should rest with the agent, and not with the carpenter, as at present, and every article so produced should be accounted for and charged to the property account (above referred to) of the employee receiving it. These things have never been accounted for in the past. I have directed that so far as possible the articles already produced be thus accounted for; and as to the future I have directed the carpenter not again to expend Government material or time in this way without a specific order from the agent; and to the agent I have said that the propriety of his giving such orders [46] in future will depend upon the view which the Department and the Indian Office take of the facts which I am now reporting.

Further, in this connection, I find that both the carpenter and the blacksmith have been doing a certain amount (not a very great amount, so far as I can learn) of outside work on Government time and in some cases using Government material, and either making no charge for the service or taking the proceeds as their own. I have directed that this practice cease immediately, and that in future when outside work is done (and in some cases it is absolutely necessary and proper that it should be done) a regular charge be made for the service in accordance with the rates ruling in the trade for similar work, and that the proceeds of both time and materials belonging to the Government be accounted for as provided in the regulations.

I have not deemed it necessary or just to take any further action in this matter, for the reason that the practice is not secret, and hence is devoid of criminal intent, and is of long standing, being followed by the present incumbents of these positions merely in pursuance of a custom that existed before they came here. This practice probably arose as follows: In 1898 a carpenter was appointed at a salary of $900. In 1899 this salary was cut by the Indian Office to $720. The agent thereupon, as I am informed and as the accounts seem to indicate, instituted the practice of permitting the carpenter to take outside jobs, so far as they did not interfere with his Government work, and retain the proceeds for himself, the purpose being to make up the deficiency in his salary. Of course, the practice in the carpenter shop would naturally extend to the blacksmith shop, which is in the same building. As far as such jobs are done outside of Government hours, and any Government material used is duly accounted for, I see no serious objection to the practice, and as to such cases I have not prohibited it.

Loans of Government property.—I find that there have been occasionally loans of Government material to persons not in the Government service. Such loans are said to have been made only in cases of [47] emergency. Oats have thus been loaned to the trader when he was temporarily unable to secure shipments from market; similarly

as to oil, and pipe for making repairs to plumbing, and the like. Such materials have always been returned, except in one or two cases which are now pending.

On the face of it this practice seems reprehensible; but in a community like this, self-dependent, and distant from a general source of supply, it is evident that emergencies will sometimes arise when to refuse such aid would work great hardship. The danger of such a practice is in its abuse. I have therefore deemed it best not to direct its discontinuance, but merely to caution the agent not to permit it except in cases of real emergency.

The record of such transactions has hitherto been far from perfect, consisting of a mere loose-slip memorandum of the loan in each case, kept upon a dagger file until the material is replaced, when the memorandum is destroyed and the record of the transaction consequently disappears. I have directed that in case any such transactions become necessary in future a book entry be made showing the date of the loan, the amount and kind of the material loaned, to whom loaned and on whose authority, the nature of the emergency that justifies the loan, and the approximate date when the material will be replaced, and that space be left after this entry for the insertion at the proper time of the date and particulars of the return of the materials loaned. Such a record might properly be kept in a mere memorandum book, but it should be a permanent record.

Materials in warehouse not needed.—There are in the agency warehouse some 3,000 pounds of sugar, several bags of coffee, and a considerable quantity of baking powder for which there is no longer any use, in view of the fact that the issue of subsistence to the Indians long since ceased. The agency boarding school is constantly requiring such supplies, and these might readily be transferred to the school in lieu of fresh purchases to that extent.

There are also three hogsheads (probably ten gross) of No. 2 lamp [48] chimneys, and probably ten dozen No. 1 lamp chimneys. For the latter I am told that there is no need here whatever, and of the former the consumption both for the agency and the school does not exceed half a gross a year. These chimneys have been in the warehouse for many years. The property return shows only 429, that being the number inventoried to the present agent, less the number expended since. If these lamp chimneys are of sufficient value to justify transporting them, they might be utilized elsewhere, as they are not required here.

Should either of the transfers suggested be made, the appropriate credit should be made to the Crow funds.

There are also other articles which might possibly be utilized elsewhere and which are of no value here, including a millstone with fittings and some forty knockdown school desks. Should it be deemed worth while to consider such transfers, the matter should be taken up with the agent and a more detailed report required from him.

The system of accounting for property is cumbersome, indirect, and imperfect. I understand, however, that it is the system which is in general use, and as I understand that Inspector Gould is now going into that whole question I deem it unnecessary to make specific criticisms or suggestions for improvement.

Private houses on public lands.—There are a number of houses here which have been built at various times by private individuals upon agency or school grounds. Most of these improvements have been sold by the original owners—in some cases they have passed through a succession of ownerships—and in some cases such purchaser is not even the occupant, but rents the property to a tenant, and in some cases he does not even live on the reservation. In one case I am informed that the Government has actually paid rent to such an absentee landlord.

Such improvements could apparently not have been placed upon public lands except under a concession from the Government for some specific purpose, and in some cases, at least, this purpose has presumably long since failed. I have been unable to find any record of these [49] concessions. They may have been entirely informal. But in the absence of some specific and formal grant of a continuing right of occupancy independent of the purpose for which the concession was made, I believe that such improvements would become the property of the Government or of the Crow tribe upon the extinguishment of the particular concession under which they were severally made. In the absence of such an express grant, I question whether such a concessionnaire would have power to transfer any title to such improvements, or, except by permission of the Government, even to use them for any other purpose than that for which originally constructed.

If this doctrine be sound, there are a number of buildings upon the reservation which are now treated as private property, which probably really belong to the Government for the benefit of the Crow tribe, and should be producing revenue for

the tribe. I do not undertake to give particulars in this matter, because if it is to be taken up along this line the whole subject should be very carefully gone into and adjusted so as to cause a minimum of hardship to the present occupants, who in most cases are, in a sense, innocent purchasers for value.

Stallion.—In the fall of 1899 Mr. August Belmont, of New York, presented to the Crow tribe a two-year-old stallion, of registered racing stock. This stallion is of great value in improving the breed of Indian horses. The Indians appear to have failed to appreciate this or to make any considerable use of the stallion until a year or two ago, when the racing qualities of his colts were demonstrated at the Crow fair.

I find that he has been frequently bred to mares belonging to white men without any charge being made for the service. Under the circumstances I think this practice has grown up quite naturally and without any dishonest motive. The tribe has not suffered any direct injury, but it has not received from this source a revenue, which it might very properly have received, for I am informed that under like circumstances it is quite the rule for the owners of such stock to charge [50] for such service, even when it is not done as a regular business. The animal is a source of expense, requiring about double rations, and it is but fair that he should produce this legitimate revenue. I believe, therefore, that it would be wise to make a reasonable charge for this service, in line with similar charges elsewhere, and turn such moneys into the Crow fund. At present the stable force is not sufficient to give the proper attention to the stallion during the busy season, and it would be quite desirable to permit the agent to make use of the revenue derived from this source, so far as necessary, in providing additional help or additional facilities for the care of the animal.

The matter of making a charge for the use of this animal is probably entirely within the discretion of the agent, and I might therefore merely have taken this matter up with him. But I have chosen to make my recommendation in this way, because I wish also to say that I think the agent himself should have the privilege of using this animal without charge, just as any member of the tribe in whose behalf he is laboring at a salary far from commensurate with the importance of his duties.

Hiring out Government teams.—I find that last winter on two occasions teams were loaned to Mr. Bair for periods of several days in the one case and several weeks in the other. They were both cases of emergency, and they were both justified so far as permitting the use of the Government teams was concerned, and the teams were not then needed for Government work. But the usual charge for the service rendered should have been made, and I have given directions that in any future case of this kind this be done and the money be accounted for in accordance with the regulations, for the credit of the Crow funds.

Cash account.—I find the cashbook, as well as the ledger accounts of individual Indian moneys, to be correct and properly kept.

The information furnished me in response to my request of June 1 was not in such form as to enable me to determine the exact financial status of the tribe, as was my intention.

[51] INDIAN TRADERS.

There are four regular trading stores on the reservation, with licenses as follows: Crow Agency, Richardson & Bailey; Pryor, Albert L. Babcock; St. Xavier, Harry Chapin Lobdell; Lodgegrass, A. M. Stevenson. In addition there is a butcher shop at Crow Agency, duly licensed by Small & Piper, and a trading license has been issued to George H. Pease, at Lodgegrass, but the store has not yet been opened.

I find that all the regular traders have violated the regulations more or less flagrantly, but probably unintentionally, as none of them has ever been furnished with a copy of the regulations. I happened to have one copy of the pamphlet containing the regulations governing traders, and this I gave to Mr. Stevenson. Copies of this pamphlet should be sent to each of the other traders.

Except on a few articles the prices charged by all the traders have more or less exceeded the percentages of profit allowed by section 557 of the regulations, and in some cases this excess has been very great. I have gone over this question very carefully with them all and instructed them to readjust their prices so as to bring them into line with the regulations. I have told them that in doing this they may avoid odd prices, fixing the price on package goods and such articles as customarily take a "round price" at the nearest round price above the exact price as figured upon the basis of the regulations and averaging down on bulk staple goods which are sold in quantities and on which, therefore, a round price is not essential. In arriving at the round price the increment is to be 5 cents up to 50 cents, then 10 and 15 cents alternately up to $2, then 25 cents up to $5, and then 50 cents.

They all insist that the percentages of profit allowed by the regulations are not sufficient for them to do business on. In reply, I have reminded them that they have given bond to obey the regulations, and told them that their bonds are now liable to be put in suit for breach of this condition. In this connection I have said that I have no authority to depart from the regulations further than mere sound adminis-[52]trative discretion requires, and this I have done to the extent indicated above. But I have told them all that if they would submit their views in writing I would forward them to the Department along with my report of the facts and my comments. Such communications as they submit in this connection I will forward as Exhibit D. [See p. 675.]

As to their claim that their prices are now not out of line with those charged in the neighboring towns of Billings and Sheridan I do not know, and in view of the form of the regulation I have not deemed it my duty to find out. I have, however, had occasion to buy a few things in Billings, and the prices charged seemed to me exorbitant; in fact, I am told generally that the prices in Billings are about the highest anywhere in the country. I have also had occasion to buy some things both here and at Pryor, and the prices have seemed to me to be as a rule reasonable. Moreover, in looking over the Indian ledgers I have noticed a number of articles with the prices of which in Washington I am quite familiar, and in many cases I have been struck with the reasonableness of the prices charged here. And yet these same prices, when viewed in connection with the invoice as contemplated by the regulations, often carry a larger percentage of profit than is allowed.

They are all carrying a considerable line of credit among the Indians. For the four stores this credit aggregates $25,000, an average of about $14 for every man, woman, and child in the tribe. To all these gentlemen I have said (and they agree with me) that as a general proposition credit is bad for an Indian, and that if this readjustment of their prices incidentally leads to a cutting down of their line of credit, it will be a double benefit to the Indian. I have, of course, impressed upon them that the whole question of credit to Indians is a matter of business discretion with them, and that they always take the entire risk in extending such credit.

Richardson and Bailey have two clerks who are not named in the license. I have called their attention to sections 519, 528, and 536 of the regulations and directed that they make application as therein [53] contemplated if they wish to continue to employ these clerks.

The store at Pryor (even as the firm is commonly known on the reservation) has violated section 544 of the regulations in two different ways: A. L. Babcock, in whose name the license is issued, is not and never has been a resident upon the reservation, while J. W. Scally, the partner who conducts the business, is not named at all in the license. But I find correspondence in connection with the license for last year which indicates that the Indian Office was acquainted with the fact of Colonel Babcock's nonresidence; and the license for that year also showed the name of Mr. Scally as a member of the firm of A. L. Babcock Company. As both Colonel Babcock's nonresidence and Mr. Scally's partnership are matters of common knowledge on the reservation, I assume that this irregularity in the present license arose out of mere carelessness and is practically a mere clerical error. In this connection I have cautioned both Mr. Scally and the agent to be more careful in such matters in the future.

But the most interesting feature of the whole situation is that the licenses for the three stores at Crow Agency, St. Xavier, and Pryor have not for two years past represented the real ownership of the business. About two years ago the traders at these three stores, and the John E. Edwards Company, which was then running a licensed store at Crow Agency, got together and consolidated all their interests somewhat on the basis of a joint stock company, but without any formal organization, the old firms continuing to operate the business—except in the case of the John E. Edwards Company, which combined its stock with that of Richardson & Bailey and went out of business—the managing partner (or partners) at each store receiving a salary for his services and the net profits of all the stores being divided among those interested on the following basis: E. A. Richardson, four-fifteenths; John E. Edwards, four-fifteenths; A. L. Babcock, four-fifteenths; H. C. Lobdell, one-fifteenth; H. V. Bailey, one-fifteenth; and J. W. Scally, one-fifteenth. This consolidated firm, which really owns the trading stores at these three places, is an entirely informal or-[54] ganization; it has not even a name, and its existence is I think quite unknown except to the gentlemen interested in it. My first questions which ultimately led to the development of this situation were met with such obviously evasive answers by one member of the firm that I knew he was trying to deceive me. I then secured this information from other members of the firm after which the same information was given me by him.

From the above it is evident that the licenses of all the three stores are liable to be revoked under sections 527, 542, and 544 of the regulations, and that consequently

their bonds are also subject to be put in suit, at the discretion of the Commissioner of Indian Affairs. I have called the attention of these gentlemen to this fact, but I have taken no further action in this connection, simply advising them that I should report the facts to the Department. I have also invited them to submit statements as to their individual interest in the business; how the arrangement came to be made, and the advantages, from their point of view, both to themselves and to the Indians. I submit these letters herewith as Exhibit E. [See p. 676.]

Aside from the mere technical violation of the regulations, however, I have little criticism to make of this arrangement. I do not believe that it has operated to the detriment of the Indians, and in fact it is possible that it may indirectly have benefited them to some slight extent, as claimed by these gentlemen. The chief ground for criticism is that the arrangement was a secret one and was evidently concealed with great care. I have, however, failed to find any criminal motive for this concealment.

To forfeit these licenses and put the bonds in suit, while quite possible under the regulations in view of the existing facts, would, in my opinion, be an unnecessarily harsh if not an unjust penalty; and I am not inclined to recommend such action. I recommend, therefore, that these traders be required to take out new licenses and furnish new bonds in accordance with the existing facts, if this be possible; [55] and if this be not possible, that they be advised what modifications of the existing situation will be necessary to meet the regulations, and that they be required to make such modifications and take out new licenses and furnish new bonds accordingly, under penalty of revocation of the existing licenses and suits upon their respective bonds.

Trade by employees.—Section 518 of the regulations (Sec. 2078, Rev. Stat.) prohibits employees from having any interest or concern in any trade with Indians. Mr. Fred E. Miller, who has been for a number of years clerk at the agency, was for some time engaged in buying elk teeth from the Indians. This was some time ago, and I understand that the demand for elk teeth has now almost entirely disappeared. Mr. Miller's work and his trading in this connection was done outside of office hours and independently of his official duties, and the teeth were not retailed by him, but were sold in wholesale lots to manufacturing jewelers. Mr. Miller told me about this business quite readily and frankly, and before I questioned him on the subject. In fact, he exhibited a manifestly honest pride in the fact that in his odd hours he had managed to make several thousand dollars in this way. I have since confirmed his story by independent inquiries. No Indians have complained of him as having cheated them or taken advantage of them in these trades, and I have found no reason to believe that he did. Indeed, the fact that the traders were all buying elk teeth at the same time would fix a condition of open-market competition which would prevent this. There has been no substantial wrong done to the Indians, and if any offense was committed it was purely technical; and I am not entirely sure that the language of the statute covers a case of this kind. I therefore report the facts without recommendation. Mr. Miller is an efficient and valuable clerk.

Mr. Miller has also, in a similar way, been to a considerable extent, a purchaser of Indian curios, and some of these curios he has sold. Practically all the employees have from time to time bought from the [56] Indians articles of their handiwork; but it is quite clear that such occasional purchases, not made with a view to a resale, are not contemplated by the statute.

Mrs. Grey charges that Mr. Miller has robbed Indians' graves to get elk teeth buried with them. Not an Indian has made this charge, and consequently there was no basis for an investigation, there being no specifications; and I believe the charge to be absurdly false. It is true that Mr. Miller and the traders did buy from the Indians these "grave teeth," paying a somewhat lower price for them than for fresh teeth, on account of the greater labor and expense incident to cleaning them and preparing them for market.

CROW AGENCY BOARDING SCHOOL.

Mrs. Grey is particularly severe in her criticism of this school. For this reason I inspected it very carefully, though I was unable to give more than one day to this work before the school was dismissed for the summer vacation.

I visited all the classrooms and observed the regular school work then in progress. I was particularly pleased with the work of Miss Standing, the primary teacher, and of Miss Palmer, the principal teacher. They both possess excellent qualifications for the teaching of Indian children—patience and tact, coupled with simplicity, directness, and clearness of expression, and withal that manifest sympathy which is essential to the successful teacher. The children were obviously interested in their work, and I must confess that under all the circumstances I was astonished at the excellence of their recitation.

Of the intermediate teacher, Miss Broad, I can not speak so highly. I do not wish to mispraise her, for she is honest and faithful, and, I believe, earnest in her work. But she is nervous and lacks poise, and I fear can not accomplish really excellent results, although I think she will labor faithfully and accomplish a fair average. I understand [57] that she has since been transferred to another school.

The head matron, Mrs. Woodruff, is so manifestly excellent that I deem specific comment unnecessary.

The superintendent, Mr. Creel, is earnest and capable in his work. He has improved the school farm very greatly, and takes to that part of his work with manifest zest and ability. He has, however, not accounted for the produce ot the farm in the manner required by the regulations. But this, I believe, to be a mere administrative irregularity, and I do not criticise it on any other ground. As the facts came to my knowledge after Mr. Creel lett for his vacation, I have taken the subject up with the agent and directed him to require a stricter compliance with the regulations in this regard. I am hardly able to speak with positiveness as to Mr. Creel's ability as a business manager, though I think that he has done very well, for the whole institution had every appearance of running smoothly. His discipline is weak.

As to the other employees of the school, my hurried inspection does not enable me to speak very confidently, but my impression is that a very good standard of efficiency is maintained throughout the school.

The bathing facilities at this school are manifestly insufficient, and they should be enlarged and improved at the earliest opportunity. I submit herewith, as Exhibit F [See p. 680], a memorandum upon this subject which was prepared by the agency physician at my request.

I visited also the Government boarding school at Pryor and the Catholic boarding school at the St. Xavier Mission; but vacation had begun at both places and I had not, therefore, an opportunity for a thorough inspection. My impression of both schools, however, as to equipment and faculty, is favorable. I also visited the Baptist day school at Lodgegrass—the only day school on the reservation. It was vacation time, but I met the teacher, Miss Hicks—I think she is a Cherokee—and discussed with her both the course of studies and her methods of instruction. I believe the school is doing very good work.

[58] SOME GENERAL CONDITIONS.

Crows a moribund race.—As shown by the census returns for several years past, the deaths among the Crows have exceeded the births by an average of about 30 each year. As there are now only about 1,800 of them in all, this indicates an annual decrease of about 1¾ per cent per annum. Should this rate of decrease continue it is obvious that the tribe will have practically disappeared in another generation or two.

This condition is due to a variety of causes. The Crows themselves are responsible for some, while others are due to their relations with the white man—either to the changed conditions necessarily incident to the advance of civilization, to which the Indian has not yet been able to adapt himself, or to the diseases and habits, which the white man has directly introduced, which were before unknown to the Indian.

Immorality.—The Crows appear to have been originally, and for the most part they are still, abominably immoral. Perhaps it would be more nearly correct to say that they are unmoral, for they appear to be utterly devoid of any moral sense in connection with their sexual relations—to be totally innocent of any ethical conception, which might result either in an impulse toward personal purity or a restraint of licentiousness. They utterly fail even to perceive any moral difference between purity and impurity. They respect equally the most abandoned prostitute and the untouched maiden—I had almost said the most virtuous maiden, but that would be inaccurate, for virtue does not exist. I have not heard of a single case where a female Crow, even a school girl, fresh from the influences of good women, has offered the slightest resistance to sexual advances from any source. They are absolutely promiscuous in their sexual relations, and incest is common.

Venereal diseases.—Notwithstanding this condition of morals, I understand that in their primitive state they were free from venereal diseases—like so many cattle. But in consequence of their sexual habits these diseases were quickly contracted when they came in contact [59] with white men; and for the same reason those diseases were disseminated easily and rapidly through the whole tribe. The tribe is now practically saturated with venereal diseases of various types. This, of course, *undermines* the constitution of the individual and of itself tends to the extinction of the race. But there are other causes operating to this end.

Abortion.—The practice of abortion is common. It is quite well known by the agent and the authorities generally on the reservation, but it appears never to have been possible to catch and punish an abortionist. The Indians simply will not testify against them. Some story, such as that there was a runaway and the woman was thrown out and thus caused to miscarry, is always given and the most circumstantial details furnished. I have discussed this matter with the agent, the physicians, and the police, as well as the men in the different districts, in the hope that a case may be found in which the evidence can be gotten in such shape as to enable the Federal court to administer the merited punishment. In this way alone can the practice be stamped out.

On these two subjects, sexual immorality and the practice of abortion, I have talked most earnestly with the men in all the districts. I have a little hope that some slight impression may have been made; perhaps I might more truly say that "I rather wish that hope" that good may follow. But it is only persistent, patient, earnest, and unflinching work that will ever correct these evils even in a measure. And here is one of the urgent fields for the missionary: to implant and develop in these Indians some moral sense, some conception of personal decency.

I have dwelt thus upon the repulsive traits of the Crows because they are the traits that need attention; but it would be unjust not to allude to some of their attractive qualities too. They are children, and their emotions and motives are all of the elemental sort. Eminent[60]ly peaceable and good natured, they are easily led if one have but patience for the task and a little genuine human sympathy. They wish to advance, and are predisposed to trust and follow the white man. The man (or woman) who takes advantage of these big, trustful children is worthy of contempt and of punishment.

The rapid and in a measure forced transition from the state of barbarism to that of (outward) civilization has reacted upon the Indian to his physical detriment in several ways. As nomadic hunters they were constantly in the open and constantly exercising. An enormous appetite for meat resulted naturally; it was the normal accompaniment of their mode of life. This appetite is the direct personal acquirement of the older ones now living, and it is the natural heritage of the younger generation; but in neither case do their present habits justify the diet which their ancestral appetite demands. Digestive troubles are a natural consequence.

Similarly, the prevalence of tuberculosis is doubtless traceable to the fact that they have not yet learned how to live in houses. In the tepee ventilation is automatic; and the Indian has not yet learned that he must attend to the ventilation of his house. In the natural processes of evolution the squaw had learned to care properly for a tepee; she has not yet learned to be a good housewife.

Of course these evils can be overcome only by means of educational processes; and these require time and patience, as well as skill.

Hospital.—Growing out of the above, almost as the direct logical corollary of these propositions, is the need—the crying, urgent need—of a hospital. In this connection, I submit herewith, with my hearty indorsement and approval, a communication addressed to me under date of August 2, by the agency physician upon the subject of a hospital to be establihsed in connection with the agency boarding school. (See Exhibit G.) [See p. 680.]

In the treaty which was emasculated and then ratified by the act [61] of April 27 1904, provision was made for a hospital, $10,000 for construction and equipment and the income from $50,000 for maintenance. Under the act referred to it is apparently contemplated that the funds accruing from the sale of the lands ceded shall be distributed pro rata among the different funds provided in the treaty. If this be done it will manifestly be many years before the funds available will make it possible to provide for this hospital. A certain discretion appears, however, to be given the Secretary of the Interior to expend these moneys otherwise than by distributing them on a strict pro-rata basis among the several funds provided for, and under this authority it may be possible for the Secretary, if in his judgment it seems wise, to give priority to these hospital funds in the distribution of these receipts.

But I believe it would be better, and in every way more equitable under all the circumstances, for the United States to appropriate outright the necessary public funds to construct and equip a suitable hospital in connection with the school at Crow Agency, and that thereafter a sufficient appropriation for the proper maintenance of the hospital be regularly included in the agency budget from year to year.

I recommend, therefore, that the necessary steps be taken to procure the establishment of such a hospital in one or other of the ways above indicated, but preferably by means of a direct appropriation by Congress, if this be possible.

REV. J. G. BURGESS.

The Rev. J. G. Burgess is the missionary maintained at Crow Agency by the American Missionary Association under authority from the Department dated April 11, 1895, granting right of occupancy of 10 acres of land for the purpose of a church and mission. The land is occupied by the missionary's house, garden, and pasture, but no church has been built. I understand that Mr. Burgess preaches in the chapel at the agency boarding school.

[62] Both when I saw her in Washington and again when I talked with her in Sheridan just before coming here, Mrs. Grey gave me to understand, and I think she told me in so many words, that Mr. Burgess held the same views she did in regard to matters on the reservation, and that he was working toward the same end that she was. Unfortunately, when I first came Mr. Burgess was away—Mrs. Grey deplored this fact—and I was not able to see him until after I had been compelled to eject Mrs. Grey from the reservation. On June 8 I had a talk with him and invited him to aid me in bringing out any matters on the reservation that needed correction. I was quite surprised to have him tell me that he had no sympathy with Mrs. Grey, had never had any communication with her more than to meet her casually, and that he hoped I could have her punished and keep her from doing further harm to these Indians.

The only things which at this time he asked me to investigate were two which Mrs. Grey had charged, one against a clerk at the agency and the other against one of the additional farmers, both relating to improper relations with the squaws; and the general impression made upon me at the time was that he did not believe Mrs. Grey's charges against the agent.

The matter of the clerk I knew had been investigated several years ago and found untrue. He has since married and has a child. I asked Mr. Burgess if he thought this man was now guilty of this misbehavior. He said he did not think so; and his life is certainly believed by all to be exemplary now. So I told Mr. Burgess that I would not disgrace this man's wife and baby by reopening such a charge in a public investigation. This was evidently unsatisfactory to him, and his desire to have the matter again investigated was manifest, but I positively refused to do it.

As to the other matter there had also been an investigation several years ago, which had proved the charge groundless, but at that time I did not know this and he did not tell me. So I asked him if he thought this man was still misbehaving in this way, and he said he did. So I [63] told him I would look into the matter. Later on, when I came to this farmer's district in my progress over the reservation, I was surprised that not an Indian mentioned this matter to me, for both Mr. Burgess and Mrs. Grey had said that it was common knowledge among them, and the cause of many complaints. Finally I asked one of the most substantial and trustworthy Indians in the district if he had ever heard of such a matter. He told me immediately that he had; that it was a case of some disgruntled Indians trying to "get even" by an absurdly false charge; that the matter had been investigated, and that there was absolutely no foundation for the charge, and none of the Indians really believed it. It then developed that my interpreter had interpreted on this occasion also, and he confirmed this story and told me all the details of the investigation, which proved conclusively that there was no basis for the charge.

On June 23, after my return to the agency, I went to see Mr. Burgess and explained this all to him, expecting that he would be gratified to know that he had been mistaken, for in telling me of the matter he said he hated to believe it as the man's wife was an estimable woman and a member of his church. To my astonishment, however, he declined to believe that I could have learned the truth, and insisted that the charge must be true, because, he said, it was well known that the husband of the woman concerned, in trying to punish the farmer, had insulted him by striking him in the face with his breechcloth to make an excuse for a fight, and that the farmer had taken the insult.

(I can not refrain from pointing out how this story is so patently absurd that any man of ordinary judgment, even if he had not lived among the Crows for twelve years, as Mr. Burgess has done, should have known that it could not be true. In the first place it is not the custom of Crow husbands thus to resent such misbehavior toward their wives, but, on the contrary, it is quite common for them to peddle their wives for profit; and in the second place, if an Indian ever got ready to fight on such an account he would never stop to reason out that it [64] would give him a legal advantage if he first insulted his opponent and thus made him assume the aggressive.)

I told Mr. Burgess that I could hardly credit this story because when I visited this farmer's district he certainly had his Indians under good control, which would have been impossible if he had ever submitted to such an insult at the hand of one of them.

I said, however, that if it were true it would be proof positive that the man was not fit to be in a position of authority and that I would investigate it. He urged me to do so. I did not take testimony on this subject under oath as I had intended (for it was my purpose to satisfy Mr. Burgess), because he afterwards requested me not to; but I did make inquiries of several of the most trustworthy Indians of that district, and they all told me they had never heard of such a thing; and if it had been true they could not have helped hearing of it. There had been a personal difficulty, they told me, between the farmer and the Indian in question, but it occurred in the line of the farmer's duty and was such as to reflect credit upon him for his self-control and firmness, and these Indians so regarded it.

Mr. Burgess afterwards admitted to me that his opinion in this entire matter, both as to the relations with the woman and the difficulty with her husband, was based upon the statement of one Indian and his wife, and that he himself had made no effort to ascertain the truth by independent inquiries in the neighborhood.

On this same occasion (June 23) Mr. Burgess also made serious charges against the agent. To be sure that I had the charges perfectly straight, I reduced them to writing in the form of a letter addressed to me, which Mr. Burgess signed, and which I submit herewith as Exhibit H. On June 25 I called before me all who could be found of those mentioned in the charges and examined them under oath in the presence of Mr. Burgess and the agent. I made a complete shorthand record of this testimony, but I deem it unnecessary to produce a transcript unless the Department should later desire it in this connection.* The evidence [65] showed that many of the statements in the charges were absolutely false, while others distorted the facts almost beyond recognition. The whole force and effect of the charges was to misconstrue a perfectly proper and laudable proceeding into a most reprehensible and even contemptible one. At the end of the day's session Mr. Burgess said to me that he was satisfied that he had been mistaken and asked me not to pursue the matter further. He commented upon the impartiality of my examination, and said he believed I had brought out the exact truth. He admitted that he had taken practically just what had come to him and had made little or no independent effort to ascertain the real facts of the matter, and that he had never spoken to the agent about it, and the agent had never heard any breath of suspicion in this connection until I handed him Mr. Burgess's letter just before proceeding with the taking of testimony.

On August 1, when he was before me in another matter, Mr. Burgess said he had been thinking over this matter since the hearing and had concluded that his charges were substantilly true after all, and that I had simply twisted the testimony. Strangely enough, however, and apparently quite unconscious of his inconsistency, he said at the same time that he had not intended to make the charges, but that I had trapped him into it, and that he had not wanted the investigation made. The first part of this I can pass with a smile and a shrug of the shoulder, but as to the last it is simply false. As soon as he had made his charges I said they were serious ones and criticised him for not having sooner brought them forward. I said at once that I would investigate them thoroughly, and of this he expressed entire approval.

In this hearing on June 25 another matter of some interest developed quite incidentally. One of the letters which Mrs. Grey sent to the President about the 1st of May purported to be signed by Frank Shane, and I supposed it had been written by him. Having Frank Shane before me as a witness in connection with Mr. Burgess's charges, I questioned him about this letter also. Much to my amazement I found [66] that this letter had been written for him by Mr. Burgess. I questioned him closely as to what he had told Mr. Burgess to put into this letter. I made him answer under oath and I took down what he said. His testimony clearly shows (even putting the most charitable construction upon the facts) that Mr. Burgess in choosing his language in this letter so far colored and altered the meaning which Frank Shane asked him to express as to amount to virtual falsification.

Mr. Burgess had told me repeatedly that he had never had more than a casual meeting with Mrs. Grey and some brief conversation, the nature of which he said he could not remember. I was, therefore, much surprised to learn that on June 28 he had been seen in earnest conversation with Mrs. Grey for half an hour on the depot platform in Billings. On account of sickness, I was not able to see Mr. Burgess again after this until July 12, when I sent for him. I asked him if he had had any communication with Mrs. Grey since I put her off the reservation. He answered "No," and then after a moment's hesitation he added that he had "spoken to her" in Billings on the day of the circus. I asked him the nature of the conversation, but he refused to tell me, saying that it was purely casual and that he did not remember what they

* The record of this hearing will be found at pp. 683–697.

talked about. I asked him if he had gone to Billings to meet Mrs. Grey, and he said, "No," that he had gone in response to a telegram from a friend. In reply to my further questions he stated that he had received three letters from Mrs. Grey within the last three weeks, but that he had not answered any of them. Immediately afterwards he modified this by saying that he had written her no letters, though in response to my question he admitted having sent her verbal messages. I asked him what were the contents of Mrs. Grey's letters to him, but he said he could not recall. I asked him if he would let me have the letters. He said he would look them over when he got home and if he decided to give them to me he would let me know. On the following day he wrote me: "The letters you asked for yesterday I prefer to retain for reference."

[67] On the night of July 13 I learned that Mr. S. M. Brosius, agent of the Indian Rights Association, was at Mr. Burgess's house. I sent for him and had some conversation with him, as related in my letter to Judge Parker of July 14. It is hardly necessary to repeat that, except to call attention to the fact that in that conversation Mr. Brosius told me that he had not seen Mr. Burgess for several years. As a result of this incident I made some inquiries which developed the following facts:

S. M. Brosius registered at the Sheridan Inn (as from White Cloud, Kans.) on July 7. Mr. Burgess registered at the inn on the 8th, and on the 9th he returned from Sheridan as far as Lodgegrass. At Lodgegrass he gave Joe Cooper a letter of introduction to Brosius, and on the 10th Joe Cooper rode horseback to Parkman (a distance of about 45 miles), reaching there about night; and on the same day, just after Joe Cooper had left Lodgegrass, Mr. Burgess said to George Pease—referring, as George Pease understood, to what Mrs. Grey was doing and to the "new inspector" that he understood she had brought—"You have got the thing going now, and you Indians ought to keep behind it." In the meantime Brosius had left Sheridan on the morning of the 10th and come to Parkman, where he had a long conference with Mrs. Grey. Joe Cooper talked with both Mrs. Grey and Mr. Brosius, and to the latter he made charges (the nature of which I do not know) in regard to matters on the reservation. Brosius went from Parkman to Billings on the night of the 11th and returned from Billings to Crow Agency on the afternoon of the 13th.

On August 1 I again sent for Mr. Burgess and asked him if he still wished to adhere to his decision not to show me Mrs. Grey's letters. He said, "Yes." I then asked him if he had talked with Mr. Brosius in Sheridan. He said he had. I asked him how he happened to know that Mr. Brosius was in Sheridan at that time, and he declined to answer. I then asked him if he had anything to do with getting Mr. Brosius to come to the Crow Reservation at that time. His reply was that he understood Mr. Brosius had been requested to come by the Indians. [68] I then asked if he had indorsed or aided that request, and he answered "Not directly."

I then carefully pointed out to him the significance of all these circumstances, telling him frankly that I was now considering his part in the matter, and not Mrs. Grey's or Mr. Brosius's. I told him that Mrs. Grey had written one of the Indians, just after I put her off the reservation, that he could help them through the Indian Rights Association; that since then he had actually aided, "indirectly," as he admitted, in getting Mr. Brosius out here; that he had also in the meantime been in communication with Mrs. Grey (and here he interrupted me to say that he "had not written her any letters"); that it seemed to me, therefore, highly probable that he had been in communication and cooperation with Mrs. Grey in this matter, notwithstanding the fact that he knew I had put her off the reservation for very grave misconduct. After thus frankly explaining all the bearings of the evidence, I told him that I did not wish to draw a final conclusion adverse to him without giving him another opportunity to show these letters and thus disprove my inference if it were incorrect. He offered no denial of the correctness of my inference but after a moment's reflection he said he would "go home and see if he could find the letter." I immediately called his attention to the fact that until now he had always referred to three letters. It then developed that he had destroyed two of the letters, after writing me on July 13th that he preferred to "retain them for reference." I pointed out that this was a still more suspicious fact under the circumstances and tended to confirm my conclusion, and that under the circumstances one of the letters alone would have little or no evidential value. He did not attempt any explanation.

Thus far I have attempted to recite merely the bare facts, with as little comment as possible. I might almost leave them now without comment, for I think their significance is fairly apparent.

Mr. Burgess's habitual attitude is to believe whatever an Indian tells him, without any discrimination of judgment and practically with[69]out investigation. This is so patent that it is commented upon by all. He is credulous to the point of gullibility,

and this is known to the Indians, so the disgruntled ones go to him with their stories. Knowing the facility with which they will find relief, it is not to be wondered at that they exercise even less than their ordinary care to keep within the truth. In this way he has attracted to himself some of the most worthless Indians on the reservation. The better Indians know this, and many of them avoid him in consequence. He is a center of influence for discontent. He undoubtedly cooperated with Mrs. Grey, at least indirectly, not only when she was first here, but even after I put her off the reservation. (See also bottom of page 77.) From the very beginning he has exhibited a very decided lack of frankness, to say the least, in his dealings with me, and so far from helping in my work he has actually hindered it in many ways. His action in helping to bring Mr. Brosius here at this time might well have caused serious trouble. Both Mrs. Grey and Plenty Coos had said to the Indians that they would have another inspector to supersede me. Brosius's coming as he did gave some color of the truth to this, and it was so understood by the Indians. Its effect upon them was noticeable, and I am not sure that it has entirely disappeared yet.

Not only does Mr. Burgess believe the Indians without discrimination, but, having thus gotten a belief in his head, it is impossible to get it out, as the facts I have recited plainly show. Nothing is res judicata with him, and he is always ready to reopen and thrash over any matter in which the Indians' story has not been confirmed. I am confident that in such cases he has encouraged the Indians to believe that they are dealt with unfairly and that he has thus fostered an unreasoning feeling of discontent. He has not the force of character to exert upon the Indians any positive and direct influence for their good when they show inclination to discontent, but he is always influenced and swayed by them instead, regardless of whether they are right or wrong.

He readily admitted to me that Reynolds had accomplished much good since he came upon the reservation; that in fact more real material [70] progress had been made by the Indians under Reynolds than under any other agent he knew of. And yet, so far from giving him any assistance or support when trouble came and the permanency of his work was manifestly imperiled, he was ready to believe practically anything against him without investigation or protest. Because Reynolds looked haggard and worried when he saw the results of his five years' labor in danger of being swept away by Mrs. Grey's influence, Burgess assumed that Reynolds was frightened and hence must be guilty of wrongdoing. It is significant that Mrs. Grey and Mr. Burgess have both dwelt strongly upon Reynolds' supposed fright and have both drawn the same inference from it. The idea of giving him the benefit of a doubt, or of rallying to his support because of his known good work in the past, or even of inquiring first before believing him guilty, seems never to have occurred to Mr. Burgess.

The agent tells me that he has never suspected Mr. Burgess of fostering discontent, but has regarded him merely as "harmless." This may be a charitable view, but it is not the correct one. His very position among the Indians precludes the possibility of a merely neutral position. He is not only not "harmless" but he has done positive evil in the matters I have pointed out above, and even in the very things in which he thinks he has done most good he has undoubtedly sometimes done great harm.

To illustrate: He has "helped" a number of the Indians in material ways, but in the cases which have come to my knowledge he has shown such utter lack of judgment that the practical effect of the act (well intentioned I have no doubt) has been to foster thriftlessness and even dishonesty.

In particular, he has perhaps expended more energy on Joe Cooper than upon any other Indian on the reservation; and if his influence had done good anywhere, one might surely expect it to be here. Joe Cooper is an incorrigible idler. He has a wife and a large family of children. They are now living wretchedly and practically without visible means of [71] support. So far as I can learn, he did not do more than two or three days' work during the month of June, and I doubt if he has done any more since. And yet I know that he might have had constant employment if he had been willing to work. Furthermore, Joe Cooper has probably 1,500 acres of good land, much of it capable of irrigation with very little labor. Last winter he tore down and used for fuel a part of his barn and corral and even a part of his dwelling. In the spring what was left of his house was burned down, largely because of his neglect to make obviously necessary repairs. I tried my best to induce Joe Cooper to get to work on his place, rebuild his house, and prepare to take care of his family this winter. I promised him every possible assistance that could be given him from the agency, provided he would begin by making some effort to help himself. Mr. Burgess had talked to me in Joe's behalf, and I had told him what I would do, and asked him to help me induce Joe to make something of himself, and he promised that he would. Recently when I spoke

to him about Joe and expressed my disappointment at his utter failure to make any attempt to help himself, he simply remarked that it was "pretty hard to make a start from nothing." I am informed that he practically prevented a regular job at $2.50 a day being offered to Joe by saying that Joe had "other things to do."

He has undoubtedly encouraged Joe to think that he has suffered great wrongs; Joe does think so, and yet the really serious things that have happened to Joe have not been "wrongs" at all, but the natural consequences of his own worthlessness. The really important thing for Joe Cooper to do is to get to work and do something for himself and his family. I do not know whether Mr. Burgess has given him advice like this, but I do know that he has not produced any perceptible influence upon Joe along this line, and I know further that he has been successful in encouraging Joe to continue to agitate for his "rights," through Mrs. Grey and Mr. Brosius.

I have no doubt that Mr. Burgess believes he is Joe Cooper's friend and that he has done him much good, and yet the influence he has actually [72] exerted upon this fellow has been most pernicious and hurtful, for its effect has been to encourage him in idleness, as everybody knows.

Perhaps further comment is unnecessary. It is very unpleasant to have had to write so much on this subject. But my work here has led me quite reluctantly to a very positive opinion, which I deem it my duty to voice in a very positive recommendation. At the same time I am well aware of the delicacy of this matter, and that the action I recommend will excite if not invite criticism, and I have therefore felt compelled to go into the subject at sufficient length to make the situation perfectly clear, even at the risk of becoming tiresomely prolix.

I have studied this man and his work most earnestly, and I am very reluctantly forced to the conclusion that the best interests of these Indians will be subserved by his withdrawal from the reservation. His presence has made my work of investigation more difficult; his influence and his virtual (and to some extent active) cooperation materially aided Mrs. Grey in bringing about the unhappy and almost disastrous conditions which existed here this spring; from my experience with and study of the man and his mental processes, I have no hesitation whatever in saying that he will be ready at any time to take the same position and exert the same influence again under similar conditions; and in the meantime his influence among the Indians not only has no visible beneficial effect upon their progress toward civilization, but in many cases has an actually retarding effect by fostering a spirit of discontent and idleness. I do not believe that a man of his peculiar mental make-up is fit to be in any position of influence among any class of Indians. I therefore recommend that the American Missionary Association be requested to withdraw Mr. Burgess from the Crow Reservation. I understand that the Rev. J. W. Cooper, D. D., 287 Fourth avenue, New York, is the corresponding secretary and executive head of this society.

In this connection I venture to suggest that if the American Missionary Association desires to send a successor to Mr. Burgess, he should be, in my opinion, a man of not over 40, preferably married, [73] of good common sense and sound business jugdment, and with some knowledge of farming and the normal conditions and needs of agricultural communities. Previous knowledge of Indians is of far less importance than good judgment, open-mindedness, and straightforward energy of character and earnestness of purpose. The priests at the St. Xavier Mission have produced a grammar and dictionary of the Crow language, of which I have no doubt copies might be obtained. The learning of the language is not a matter of great difficulty, and in the meantime there are plenty of interpreters. And there is work enough to stir the enthusiasm of an able, energetic, and devoted man.

HELEN PIERCE GREY.

As stated in my report of June 8, Mrs. Grey was eliminated from the rôle of complainant in this investigation by the action of the Indians themselves in voluntarily dismissing her and declining to stand behind the charges she had made. Her own conduct, however, not only prior to but during and since my investigation has become a proper subject of inquiry. It is from this point of view that I shall now consider her.

The tentative opinion advanced in my report of June 8, that Mrs. Grey's charges were the result of her own initiative and not that of the Indians, has been confirmed and abundantly proved by my subsequent investigation. The groundwork of her charges was culled by her from various sources. By adroit suggestions she made the Indians believe these charges and instigated them to cudgel their brains and imaginations to add others. The citizenship she said they craved was her own suggestion, not

accepted by them without many a protest, and finally abandoned by all but one or two even before they finally decided to dismiss her entirely. But her trump card, and the one by which she was able to force them into line, was this:

She told them that at the instigation of the Commissioner of Indian Affairs Congress had passed a law, which was then awaiting the signature [74] of the President, by which all their lands were to be taken away from them with the exception of 20 acres apiece; that sugar beets were to be raised on these lands, and they with their squaws and papooses were to be forced to work in the beet fields as slaves under white overseers. (She afterwards wrote them from Washington that she had found out that what she had told them about the sugar-beet proposition was "all too true.") To this they responded instantly. They wanted to go to Washington at once to protest to the President against such treatment.

The cooler heads among them wanted to talk the matter over with the agent and get permission to go. But she said no, that would not do, the agent was against them, and they must go in secret and without his permission; that they were, in fact, citizens and had a right to go without consulting anyone, and that she would go with them. She demanded $600 for herself, to pay for her time and her expenses (but she afterwards agreed to accept $500), and that each Indian who went should have $200 to defray his own expenses, which, however, she was to take charge of and disburse for them. The matter was up before the Crow Indian Lodge on the night of March 9. She urged them to raise the money and start that very night, before the agent could stop them. They actually did take up a collection, but it was not enough. The next morning, Sunday, she was arrested by the agent (with one policeman, not six. as she states), and put off the reservation.

In accordance with an understanding already reached, however, some of the Indians actually started for Washington on the following Saturday and she tried to join them and go with them, but through a misunderstanding failed to find them. In the meantime the agent had gotten some inkling of their plans and had the Indians arrested and brought back to the agency. Mrs. Grey refers to this in her charges to the President, but she misstates some of the facts and entirely omits to mention the fact that the Indians were starting out to go to Washington at that time, expecting her to accompany them.

Having failed in this, she induced them to give her the money [75] which the Crow Indian Lodge had raised, so that she might go to Washington in their behalf, to present charges against the agent and others on the reservation, to secure for them the citizenship to which she told them they were entitled, and to prevent the sugar-beet scheme from being put into effect.

In brief outline the above facts constitute the case which I intimated in my report of June 8 I expected to make against her under section 2105 of the Revised Statutes. The evidence is absolutely complete and before a fair-minded jury can not fail to secure a conviction. In fact, the case can be proved by documentary evidence alone, but in addition I can prove all the essential facts by as many Indians as may be necessary.

For one of the payments to her she gave the following receipt, the original of which is now in my possession:

"BILLINGS, MONT., *March 20, 1907.*

"Received from the Crow Indian Lodge, by Joe Cooper, president, and Frank Shane and Holds his Enemy, witnesses, all equally responsible to the Crow Indian Lodge, the sum of $310 with which to go to Washington in their behalf.

"HELEN GREY."

In a letter to Ralph Saco, written from Washington on April 16, she says: "I have spent a little more than $400 already. If I go back, I will have to pay my own expenses, as the Commissioner does not like to have me interfering; he wants to do things in the old way. Will the Crows pay my expenses?"

In a letter to Holds his Enemy, written from Washington, April 17, she says: "I am going to go back to the reservation and be there for this man the President is sending and help you put into his report the things that will get you the rights your people want. I have already spent over $400, and it will cost another $100 to get back, and I know I can trust you Crows, although they say here that I can not."

In a letter to Joe Cooper (undated, but probably written from [76] Washington on April 17) she says: "I have spent a little more than $400 now, and it will cost me about another hundred to go back. * * * I shall have permission from the Secretary to return and want to get there ahead of the man who is to make the investigation, so as to read the charges I made here—written—to the President against the agent, etc., for I want you boys to be able to prove everything."

In a letter to Joe Cooper, written from Chicago on April 25, she says: "While I do trust the Crows, I do not think they have been fair with me, for I agreed to go to Washington only on condition that my expenses were fully paid and my time, which is still $100 short. This agreement is perfectly right, and the Secretary knows of it."

In a letter to Ralph Saco (undated, but probably written from Chicago on April 28) she says: "I have the President's ear and can get to him now any time I want to, if you Indians show that you want me to help you. I can not afford to leave my work, however, as I am making money here, unless you are willing to put up my expenses. I showed your letter with the hundred that Joe sent to the Secretary, and he laughed and said he guessed I would not get rich out of you at that rate. It is customary and all right for you to put up the money and not as the agent made us believe."

I reported the above facts in brief outline to the Secretary of the Interior in person on June 26, in Billings, and went over the matter with him again in Helena on July 2 and 3. I also went over the matter in its legal bearings with the United States attorney in Helena, and he sustained my opinion that the case against Mrs. Grey was complete. On account of the difficulties necessarily incident to making an arrest in another judicial district, Mrs. Grey being then in Wyoming, the Secretary decided not to attempt to make the charge at once, but to hold it for the action of the next grand jury, unless Mrs. Grey should sooner return to Montana, in which case he directed that she be at once arrested on this charge.

[77] Mrs. Grey was in Billings in the latter part of June. While there she was in conference with the Rev. J. G. Burgess, of Crow Agency, who, I think (though I do not know positively, and have only circumstantial evidence of the fact), went to Billings for that purpose in response to a telegram from the Rev. Mr. McCulloch, with whom Mrs. Grey had already been in conference. Joe Cooper was also in Billings at this time and was in conference with Mrs. Grey, and I think with the other two also, though of this I have no direct proof. He went to Billings at Mrs. Grey's request. From numerous fragmentary facts and circumstances which have come to my knowledge from various sources I am convinced (although I have no absolute proof of the fact) that it was as a result of the efforts of the persons above named, and possibly of others, that Mr. Samuel M. Brosius, agent of the Indian Rights Association, was caused to come to the Crow Reservation as reported by me under date of July 14, and as already referred to in this report.

In the meantime Mrs. Grey was busy in Parkman, just beyond the southern border of the reservation, attempting to sow discontent among the Indians and to procure funds from them and from some of the squaw men. I understand that she got $30 from Don Hardy, $70 from Tom Doyle, and $21 from Harry Chatham. I also understand that she got $100 from John Booze, a white man, who has now no direct interest on the reservation. All these contributions were for the purpose of aiding her in her work of agitating reservation affairs.

A few days before Mr. Brosius came, she tried to induce Don Hardy (who had visited her frequently at Parkman and whose place on the reservation she had visited on June 16 in company with a white man named Joe Boyd) to take her to Crow Agency to see Mr. Burgess. She proposed to disguise herself as a squaw, drive across from Hardy's place to the agency (about 50 miles) at night, spend the next day at Mr. Burgess's house, and return the following night, disguised as before. She said she must see Burgess; that he had advised her to keep on working and promised that he would do the same. But Don Hardy refused to do what [78] she wished. This incident occurred just a day or two before Brosius's arrival. It is fair to say that Mr. Burgess knew nothing about this scheme, but the mere fact that it was proposed by Mrs. Grey is strongly confirmatory of the correctness of my conclusion from other evidence as to the substantial understanding existing between Mr. Burgess and Mrs. Grey.

I have heretofore reported upon Mr. Brosius's visit, and I have already in this report commented upon its effect among the Indians. Mrs. Grey and he did not agree, although to the Indians she claimed that Brosius was going to do what she wanted, and on the strength of this tried to regain her influence among them and to stir up afresh the unrest and discontent which I had in large measure succeeded in quieting.

On July 12, the day after Brosius left Parkman, she wrote to Holds his Enemy and to Plenty Coos (I have the letters and submit copies of them herewith as Exhibit I) that she was about to start for New York and Washington and expected to see the President in their behalf and urged them to call a council of the Indians and continue the agitation which she had begun and in which she said Brosius was going to help her. She told Don Hardy that she was going to New York to write her story of the Crow Reservation for the American Magazine.

On Monday morning, July 15, she left Parkman for Billings. Fortunately I discovered this fact before she reached Billings. I caused a warrant to be sworn out on

a charge of returning to the Indian country after being expelled therefrom and telegraphed the chief of police at Billings to detain her in Billings pending service of this warrant. At the same time I telegraphed the United States attorney at Helena to take the necessary steps to hold her under section 2105, Revised Statutes. I went to Billings by the next train (a freight) to follow the matter up personally. On the following day the deputy marshal arrived from Helena with the warrant sworn out by the United States attorney, and Mrs. Grey was brought before United States Commissioner Mann, her bond fixed at $1,500, and the preliminary hearing set for the following [79] Tuesday, July 23.

At the preliminary hearing, after consultation with the assistant United States attorney, we decided that it would be good policy to present only just enough evidence to make a prima facie case. This was accordingly done. George Pease, Joe Cooper, and Frank Shane were put on the stand, but none of the documentary evidence was introduced. Her attorney moved that she be discharged, on the ground that the evidence failed to show that a crime had been committed, in that it did show, first, that the persons from whom she received the money were citizens of the United States, and, second, that the money was received by her as a gift merely and not in pursuance of any contract or agreement whatever. The commissioner held her for the action of the grand jury, fixing her bail at $1,500, and in default of bail she was remanded to the custody of the deputy marshal, who took her to Helena and put her in jail there.

The press reports state that she filed an application for a writ of habeas corpus on July 29; that this application was argued before Judge Hunt on August 6 and denied by him on the following day.

I understand from the United States attorney that the next grand jury meets in November and that it will be necessary for me to be present. As to this I presume he will communicate with the Department directly.

Mrs. Grey's charges.—The principal charges which Mrs. Grey laid before the President have been disposed of incidentally in the progress of this report. There are a few of minor importance which I wish to notice briefly now, not so much because of any importance in themselves as because of the additional light which the facts throw upon her character.

She states that the Indians have few horses left "except what have been rejected from year to year by the buyers." And in another place she states that the horses are "in a deplorable condition" and "unfit for [80] any farm work," intimating that this is due to the fact that the range had been monopolized by Bair and so abused that the grass crop this year would be very much less than heretofore.

I have been at particular pains to observe the character of the horses all over the reservation, and they are certainly not the scrub stock which Mrs. Grey's statement would lead one to expect. As I have gone through the several districts, and the Indians have failed to say anything upon this subject, I have from time to time told some of them what Mrs. Grey had said about their horses. This has invariably been greeted with an amused chuckle. The fact of the matter is that the Indian believes himself quite able to hold his own with any white man in a horse trade and prides himself on getting rid of his poorer stock and retaining the best animals for himself. I have talked with several horse buyers (quite casually and without disclosing my purpose) and they have told me the same thing. I am also told by all who are familiar with the history of the reservation that while the Indian horses have been steadily diminishing in numbers for years past, their breed has been steadily improving. And as to her statement about the condition of the range, I can say from personal observation in all sections of the reservation that the range is of the very best. It does not show anywhere evidence of having been overstocked. Thanks to a favorable season, the Indians are cutting at least twice as much hay this year as ever before in their history; if there were labor enough, it is probable that with good management hay could be profitably cut in many places even on the open range.

In connection with her criticism of the Indians' horses, it may be of interest to note that she and Joe Cooper, while driving from place to place in the early spring, working up her case among the Indians, kept a team of horses constantly in the harness without rest or feed for two whole days and the intervening night. Fortunately they crossed streams from time to time or the poor beasts would doubtless have been without water also. This team belonged to George Pease, from whom the infor[81]mation as to their condition comes to me. It took the horses several weeks to recover from the effects of such treatment.

In speaking of a delegation of 100 Big Horn Indians that she claims visited her, she says: "They asked me if there was any way possible for them to get their citizenship and for an investigation of Major Reynolds." And again, in speaking of the members of the Crow Indian Lodge, she says: "They are eager for their citizenship as you or I

would be; look upon it as a great honor, to be attained only by excellence." In this connection the following extract from my examination of Frank Shane, to which I have already referred, will be of interest:

"Q. When did they begin to consider the question of wanting citizenship?—A. The last day of February.

"Q. When they first thought of the idea of citizenship?—A. Yes, sir.

"Q. Who suggested it to them?—A. Mrs. Grey.

"Q. Did they ever think of wanting citizenship before Mrs. Grey suggested it?—A. No, sir; I don't think they ever thought of it."

And what is true of Frank Shane in this connection is true of all the others except, perhaps, one or two. In fact, the large majority of them have from the first been opposed to citizenship because of the question of taxation, which they know it involves, and because of many other things which they vaguely fear it may involve. Indeed, Mrs. Grey found it uphill business getting the lodge to agree with her at all on the citizenship question, and this was the first point on which they broke away from her.

Speaking of Agent Reynolds, she says: "He had also obtained possession of a copy of the petition by having Eli Blackhawk steal it out of my suit case at Frank Gordon's, together with the list of signers." This statement was written prior to April 19, for her manuscript has been in my possession ever since that date. On April 25, in writing to Joe Cooper, she says: "I have a copy of the charges, the President had the other, with the petition, but I found no names whatever. I think [82] they were stolen out of my room at Billings." Comment is unnecessary, except perhaps to state that there were no "signers" to the petition, and all she ever had was a list of the names of the members of the lodge which they had given her at her request after they refused to sign her petition. It was on a separate sheet and not on the petition, and it will be noticed that in writing to Joe Cooper she referred to it simply as "names."

After discussing at some length in her charges various alleged grievances of Horace Long Bear and Medicine Shell Bird, she adds: "The Indians generally believe that the 'misery' that has come to these two men is the direct result of the charge they made to the inspector against Mr. Miller." In a letter written to Ralph Saco, under date of April 16 (evidently after writing her charges, for in this letter she refers to having presented them to the President), she says: "I think that Horace and Shell Bird have had so much trouble because they made those charges against Fred Miller." Again comment seems to be quite unnecessary, though it may be as well to state that Horace Long Bear had no connection whatever with these charges, and that Shell Bird, so far from making the charges, testified to their falsity.

Mrs. Grey states that the Crow Indian Lodge was organized "as a check upon the spy system organized by the agent," and to secure an investigation of affairs on the reservation. I have frequently discussed with various of its members the history of the organization of this lodge. They all tell me the same story, and the purposes which they ascribe to it are absolutely foreign to those stated by Mrs. Grey. They intended it as a sort of mutual benefit society; they were to help the widows and children of those who died; they were to help those who were sick; and they were generally to help each other, whenever there was occasion, in connection with their farm work. They also had some idea of starting a cooperative store after a while. The idea of the lodge seems to have originated with George Pease, and had Mrs. Grey not [83] come on the reservation I have no doubt that it might have accomplished some good; at any rate, it probably would not have done any harm. When she came, however, she found this organization ready to her hand; she seized it and perverted it to her own purposes; she not only looted its treasury, but she probably destroyed its possibilities of usefulness in the future.

The "spy system," which she alleges, I think existed only in her imagination, for not an Indian has spoken to me about it, and I have seen absolutely no evidence that such an institution either exists now or ever has existed.

The harm Mrs. Grey has done these Indians in taking their money from them is a bagatelle in comparison with the harm she has done them in perverting their minds and turning them against their best freinds. And in this I refer primarily to Reynolds, Bair, and Heinrich. These are the men who have done more than any others upon the reservation for the real advancement of the Indians. The injury Mrs. Grey has done them through her influence upon their minds—their attitude toward their work, their surroundings, and the Government—is almost incalculable. To remedy this will take time, as well as careful attention by the agent. They must have absolute protection from her influence, and from any similar influences, until they have outgrown the excitement and the spirit of discontent which she has fostered in them, and resume their normal attitude toward their ordinary surroundings and their everyday occupations and duties.

To this end I have recommended that the Rev. Mr. Burgess be invited to find another field of usefulness, for I am satisfied that he is less dangerous than Mrs. Grey, mainly because he has less force of character and less boldness and ability than she. To the same end, I believe it is of the greatest importance that Mrs. Grey should be convicted and punished, not only as a lesson to her and an object lesson to the Indians, but to keep her in a safe place for a while and give these Indians a chance to recover from her baleful influence.

[84] S. G. REYNOLDS, INDIAN AGENT.

The charges made by Mrs. Grey against Agent Reynolds have for the most part been incidentally considered and disposed of in connection with the preceding sections of this report.

She charges, rather by way of innuendo and insinuation in her written charges, but more directly and offensively in her correspondence with the Indians, that Reynolds has improperly favored the First National Bank of Billings, in which he is a director, in depositing therein the proceeds of sales of inherited Indian lands. Before calling for bids for these accounts Reynolds informed the Department that he was a director in this bank and asked whether in view of this fact he should give it an opportunity to submit a bid. In consequence of this the Department had all bids submitted to the Indian Office direct, and the Indian Office awarded the accounts to the First National Bank of Billings as being the highest bidder—that bank bidding 4 per cent per annum calculated on daily balances and credited monthly. The letters of the Indian Office which give a full history of this matter are as follows: May 22, 1906 (Land 43063, 43064, 43065; 1906); August 13, 1906 (Land 55785; 1906); and September 8, 1906 (Land 73975; 1906).

My investigation has clearly shown that Mrs. Grey's other charges against Agent Reynolds are as a rule about as well founded as this one. As the evidence and my conclusions have been already stated in connection with the various subjects throughout this report, it is hardly necessary to repeat or recapitulate here.

So far from finding him the harsh and overbearing tyrant that Mrs. Grey's charges picture him, I find myself compelled to criticise him for too great mildness and leniency. The police sometimes feel discouraged because he does not punish more severely the offenders whom they bring in. The clerks have explained a number of small irregularities and delinquencies which I have discovered in the course of my investigation by saying "Major Reynolds is too easy, he does not like to make a fuss." In fact, he is inclined to overlook little things whenever [85] possible. And while this is undoubtedly a wise policy very often, I believe he has followed it a little too far in some cases. Indians frequently escape just punishment for small offenses by appealing to his sympathy; little delinquencies among the agency and school force are overlooked because of his tolerance, and a lack of exactness and discipline in small matters has grown up. I have gone over these matters with him thoroughly, and I expect him to remove the cause for the criticism which I feel bound to make in this connection.

The fact is that the man has had his mind on the large things which had to be done on the reservation, and these he has attended to diligently and with good results. He has subordinated administrative routine and discipline to the accomplishment of results in the field, and in this he has achieved a gratifying degree of success. When he came here the whole tribe was living in camps, on rations which were furnished them, and none of them were doing individual farm work. There were practically no fences, but tangled barbed wire was to be found everywhere, and there were practically no houses except for the whites. Now not an Indian receives a ration, they are all living on their allotments, and most of them are doing some kind of farm work for themselves, and are for the most part self-supporting, and probably a majority of them are housed, though it must be confessed that many of them still prefer to live in the tepee beside the house and use the house for storage purposes merely. Practically all the agricultural lands are fenced; the tangled barbed wire has been cleaned up and that which could be straightened out has been used, while the balance has been disposed of. And many other improvements have been made, both in the physical equipment and the methods of work, which it is hardly necessary for me to attempt to detail. The general appearance of the whole reservation indicates a fair degree of agricultural prosperity. Considering the natural disposition of the Indian, and the fact that all this has been done in five years, his achievement is certainly creditable.

It is, perhaps, unnecessary for me to try to explain how he has [86] accomplished this. The main thing is that it has been accomplished and everybody recognizes that it has been accomplished. He has gone over the reservation on horseback, from end to end and from side to side, at all seasons and in all sorts of weather. He has taken

an enthusiastic interest in his work, and some of this enthusiasm he has imparted to his farmers and assistants, and even a little of it has already been made to stick to some of the Indians. The number of Indians who are actually industrious and progressive and need no further assistance or looking after in any way to enable them to take care of themselves is gratifyingly large. It is true the number is absolutely a small one, possibly little more than a score, of whom the above statement can be made without qualification, but I can myself count up half that number whom I know from personal acquaintance to be worthy of this estimate.

He has developed the Crow fair into a most efficient means for stimulating their ambition for success in agricultural pursuits. They actually strive for the prizes, and their emulation is seldom or never flavored with malice. Mrs. Grey's assertion that the vegetables exhibited at this fair last fall were grown for the most part by squaw men is a vile slander upon the Indians; they labored faithfully, the exhibits were almost all theirs, and they deserve the credit for the showing made.

He has made his mistakes. I might recite some of them, but I deem it unnecessary, for mistakes are the inseparable incidents of all human effort. Had he made none I should be suspicious of him, and I should certainly not have looked for substantial success. Happily, he himself is quite sanely aware of the mistakes he has made, and in fact has called my attention to some of them which I had not previously discovered. What I wish to make clear is that, whatever mistakes he may have made, he has had a man's job to do and he has done it like a man—not without mistakes, but honestly, and with good success in the main—and he deserves a man's reward—recognition of his accomplishment and the [87] opportunity to accomplish more.

In conclusion, I recommend that such parts of this report as bear upon his future action, and meet with the approval of the Department, be submitted to the Indian agent for his guidance.

Respectfully submitted.

Z. LEWIS DALBY, *Indian Inspector.*

(Map omitted in this print.)

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., March 28, 1902.

Mr. FRANK HEINRICH, *Slack, Wyo.*

DEAR SIR: If you wish to lease the place on the line that you had last year, come to the agency at your earliest convenience.

Yours, truly,

J. E. EDWARDS,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., April 4, 1902.

Mr. FRANK HEINRICH, *Slack, Wyo.*

DEAR SIR: Referring to our conversation of a few days ago, and in accordance with arrangements made, I wish you would send me your checks, one payable to my order for $81.40, another for $664.15 payable to the order of F. W. Schauer. The balance you may remit at your convenience. Send both checks to me and I will forward the one for Mr. Schauer.

Very respectfully,

J. E. EDWARDS,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., April 9, 1902.

Mr. F. W. SCHAUER, *Laurel, Mont.*

DEAR SIR: The car of potatoes shipped by you has been received in good order and weighed out all right. You failed, however, to subtract tare for 330 sacks, which we have done by deducting 495 pounds from the original amount of 50,198, leaving a net weight of potatoes 49,703 pounds, which, at the rate of $1.50 per hundredweight

amounts to $745.50. We have paid the freight from Billings to Crow Agency, amounting to $81.40, balance due you $664.15. In payment I inclose you check of F. M. Heinrich for this amount.

Very respectfully,

J. E. EDWARDS,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., April 21, 1902.

Received of Frank Heinrich, Slack, Wyo., one carload of potatoes, $745.50 (49,703 pounds, at $1.50 per hundredweight), and one set driving harness, $54.50; total, $800, in full payment for the privilege of grazing 600 head of cattle on the range heretofore used by him on the Wyoming line and in the mountains, on the Crow Reservation, for the period of one year from May 1, 1902.

J. E. EDWARDS,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., May 13, 1902.

Honorable COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.

SIR: On March 11, 1902, I requested authority to purchase one set of driving harness in open market at a cost not exceeding $50, explaining that a very substantial harness was needed for this section, there being much mountain travel. I have, as a matter of fact, used during my term here in Government affairs a set of harness bought by myself personally, and desiring not to leave my successor without the means of travel over the reservation requested the above authority. Under date of April 5 the honorable head of "Finance" notified me that the superintendent of the Chicago warehouse had been directed to purchase in open market and ship to me at once. The harness came to hand, and, as I readily perceived, is wholly unfit for use, and the same is held here subject to the honorable head of "Finance." The superintendent of the warehouse is blameless in the matter, as harnesses suitable for here are not on sale in eastern cities, and only made on special orders from sections of the country similar to this. During my term at this agency, now about three years, the honorable head of "Finance" has shown upon numerous occasions exalted opinion of his ability to grasp situations existing many miles removed from his own pastures, with the result of more loss, more costly delays, and more confusion than any other part of the business connected with this reservation. My successor has my sincerest sympathy if the present system is to continue.

Very respectfully,

J. E. EDWARDS,
United States Indian Agent.

EXHIBIT B.

BILLINGS, MONT., *August 27, 1906.*

Mr. F. M. HEINRICH, *Slack, Wyo.*

MY DEAR FRANK: Some few days ago I received a letter from W. G. Pruett, secretary of the Montana Stock Association, saying that they had held up a payment of $448.85, which was due for cattle shipped by you. They sent me your letter, and I simply asked Mr. Pruett to send me the check, which he has done to-day, and I herewith hand you the same properly indorsed, and desire to say in this connection that my object in this was not that either Mr. Reynolds or myself for one moment wanted any of the money for the cattle shipped by you, but we are having cattle shipped from all over the country, some as far east as Glendive and as far west as Big Timber, and I thought by having the checks all come through my hands that we would be able to keep track of the strays that are being shipped, whereas if I made the general order to turn the proceeds over to you it would be an annoyance to you to keep track of the same, and of course you have your record of what you shipped as a check upon me. If this is not entirely satisfactory to you, kindly let me know, and we will make such arrangements in the matter as you may suggest.

Yours, very truly,

FRED H. HATHHORN.

EXHIBIT C.

CROW AGENCY, MONT., *August 2, 1907.*

Col. JOHN K. RANKIN,
Special Allotting Agent, Flathead Agency, Jocko, Mont.

MY DEAR SIR: Morris Schaffer tells me that he had a dead Indian allotment (his father's) under Hatchitt's allotment some miles below old Fort Custer, on the Big Horn, which he wished to have reallotted, 80 acres near old Fort Custer, and the remainder elsewhere on the diminished reservation. He says that you declined to do this, and told him he would either have to retain the original location or take the whole allotment in one piece upon the diminished reservation. As I understand that other dead allotments have been similarly split and reallotted (I have in mind particularly the case of Medicine Crow) I assume there must have been some particular reason for refusing Morris Schaffer. As he is the first Indian I have found who claims to have been refused an allotment at the old Fort Custer when he requested it, and as moreover, he is an Indian that bears a particularly good reputation, I am quite desirous of hearing from you as to the special reasons that governed your actions in this case. The original and the present descriptions of the allotment in question are as follows:

	Acres.
Hatchitt's schedule:	
Lot 1 of NE. ¼	36.51
NW. ¼ of NE. ¼	40.00
NE. ¼ of NW. ¼	40.00
NW. ¼ of NW. ¼, sec. 23, T. 2 N., R. 33 E.	40.00
Lot 1 of NW. ¼, sec. 24, T. 2 N., R. 33 E.	1.65
Total	158.16
New description of Fat's allotment on Rankins plats:	
W. ½ of E. ½	160.00
E. ½ of W. ½, sec. 23, T. 6 S., R. 38 E.	160.00
Total	320.00

I am now engaged in writing my report, and would therefore appreciate an early reply.

Very truly, yours,

Z. LEWIS DALBY,
United States Indian Inspector.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
IN THE FIELD, FLAT HEAD RESERVATION, MONT.,
August 7, 1907—(Received August 9.)

Z. LEWIS DALBY,
United States Indian Inspector, Crow Agency, Mont.

DEAR SIR: Your favor of August 2, relative to the allotment of a deceased Indian known as "Fat," is just at hand. I reply at once.

The trouble with Morris is that what I told him would happen has turned out to be true, and the dead lands west of the Big Horn have sold for much more than I ever said they would, and his chagrin at not deriving the benefit of this—to the Indians an unexpected result—has affected his memory.

These are the facts so far as my work relates to Morris Shaffer. He was, when I came to the reservation, as now, the bearer of a fair reputation, and because of that I made it easy for him to be allowed to take lands in the fenced broken lands and alfalfa fields, known as the Community farm at Reno. This farm covered old allotments, and he had no better right to any of it than a dozen others. Agent Edwards recommended him as one of the few young men who seemed to be making an effort to do something for themselves.

I afterwards, at Shaffer's request, allotted him all the grass lands he and his family could hold, adjoining his lands under water on the Reno farm; also, at another date, changing at his request some of his improved lands with another Indian so as to put his property, as he believed, into better shape.

A year and half later I again, at his urgent request, changed all of his allotments, except the land on the Reno farm, over on the east side of the Wolf Mountains; this he insisted upon, against my judgment and advice.

In the meantime I had discovered this Indian "Fat," then dead, having had a "head-of-the-family allotment" on the ceded portion of the reservation, which entitled him to be reallotted, in the interest of heirs, if there were any.

In the investigation made to ascertain whether there were living heirs it developed that Morris Shaffer had been raised by "Fat," and was called his son, Morris claiming him as his father. Now, while I never believed Shaffer ever got his name, build, and white blood from the Indian "Fat," yet, in view of his having probably never known any other father, his mother having lived as "Fat's" wife, and they mutually having cared for the boy, and the further fact that he was called "Fat's" son by the Indians; also his having a fair reputation, the Indian customs and accepted general belief made me determine to give him the benefit of my doubts, and allow him to reallot "Fat" as his father on any lands he might select, explaining to him that he could retain the old allotment or take its equivalent elsewhere.

I tried for the best part of a year to have him take 80 acres on any lands still vacant on the Fort Custer Reservation and the balance along with his other grass land. Knowing, as I did, that if he retained the old allotment some white man would persuade him to sell it; but if he took it on the Custer Reserve he would get more for it than he would if the old lands were retained, and not only he be the gainer, but that the tribe would also be better off to the amount of $4 per acre for the relinquished lands. For quite a while he said he would retain the old place and had he not again changed his mind that is the land he would have had. But finally, much to my disgust, he allowed some Indians to persuade him to change all his lands except the improved portion at Reno, over east of the Wolf Mountains, and in order to carry out instructions to allow the Indian to select I changed his lands for him. Thus part of his lands were changed three times and all of it twice.

Finally, there were no reasons why Morris Shaffer could not have had the "Fat" lands divided—part agricultural west of the river and the other part grazing. He did not have 40 or 80 acres on the Fort Custer Reserve, because I was unable to convince him that it was to his interest to do so. There came a time, of course, when this land was exhausted, and there is always a chance that he may have changed his mind again and asked to have some of "Fat's" lands west of the river, after it was impossible to grant his request, but if so, it has escaped my mind.

After this matter of placing dead allotments west of the river had been gone over verbally, in the office at Washington, I called the attention of all Indians who had dead allotments to make to what I believed to be in their and the tribe's interest to do, and all the dead allotments over there and north of the railroad are by my suggestion.

I am sorry, of course, for Morris, but he has no one to blame but himself, because when I first called his attention to it and for quite a while thereafter there was ample room and good lands he could have had had he been able to make up his mind, and hold it, as to what he wanted.

Very respectfully,

JOHN K. RANKIN,
United States Special Allotting Agent.

EXHIBIT D.

NOTE.—The subject of prices is also incidentally touched upon in several of the letters embodied in Exhibit E.

CROW AGENCY, MONT., *August 1, 1907.*

Mr. Z. LEWIS DALBY,
United States Indian Inspector.

DEAR SIR: We hand you herewith a list of prevailing prices in Billings, Mont., on staples and standard goods. We also submit for your comparison our own prices on the same grades of goods.

Sugar, 14 pounds for $1; bacon, 18 cents per pound; flour, $3 per hundredweight; tomatoes, 2 cans for 25 cents; corn, 2 cans for 25 cents; peas, standard, 2 cans for 25 cents; coffee, 25 cents per pound, not Arbuckle's; baking powder, 16-ounce can, 50 cents; cream, 2 cans for 25 cents; California canned goods, 20 and 25 cents per can; lard, 5-pound cans, 75 cents.

Very respectfully,

E. A. RICHARDSON.

NOTE.—Sugar was 12 pounds for $1 on July 30, when I examined the store.—Z. L. D.

BILLINGS, MONT., *August 1, 1907.*

Mr. E. A. RICHARDSON,
Crow Agency, Mont.

DEAR SIR: Replying to yours relative to retail prices beg to inform you that the following are the prevailing prices in Billings:

Sugar, 13 pounds for $1; bacon, 19 cents per pound; flour, $3.25 per hundredweight; tomatoes, 15 cents and 20 cents per can; corn, 10 cents and 15 cents per can; peas, 15 cents, 20 cents, and 25 cents per can; coffee, Rio, 20 cents per pound; baking powder, 40 cents 12-ounce cans; cream, 12½ cents per can; California canned goods, 20 cents to 35 cents per can; lard, 5-pound cans, 80 cents.

We trust this is the information you desire, and remain,

Yours, very truly,

DONOVAN-MCCORMICK CO.,
J. W. ARTHUR.

EXHIBIT E.

CROW AGENCY, MONT., *July 31, 1907.*

DEAR SIR: Answering your request for a statement of my interest in the stores at Big Horn and Pryor, I will state that the interests of these stores are divided mutually as follows: Myself, four-fifteenths; J. E. Edwards, four-fifteenths; A. L. Babcock, four-fifteenths; H. C. Lobdell, one-fifteenth; H. V. Bailey, one-fifteenth; J. W. Scally, one-fifteenth, and were brought together for the following reasons:

After trying, as individuals, to check and hold our Indian accounts within a reasonable limit and at the same time endeavoring to do all the business possible, as was natural, by selling goods on credit to Indians from other districts and the territory of other stores, we found our credits getting beyond our control, Indians going from one store to another and running accounts in all the stores until they became so heavily indebted at each store that they were unable to pay their accounts at either store. The consequent amount of credit at each store was largely in excess of what we were able to carry, and resulted in a loss to the stores each year, and it was demoralizing to the Indian—he cultivating habits of extravagance and dishonesty. To obviate this, it was finally decided that we must be mutually interested, and the results have proven satisfactory and of benefit to the Indians. The credits have been greatly reduced, and no credit is extended to an Indian except at the store in the district to which he belongs This, in itself, is a direct and decided benefit to the Indians, reducing his ability to run in debt, while he can still buy where he pleases for cash.

Another important feature is our buying. By purchasing for three stores we are in a position to handle larger quantities of goods and buy them at better prices, because of the quantity. We can ship a great many goods in carloads, thus obtaining the reduced carload rates, as against the higher rates for local shipments, which as individual shippers we were obliged to pay. These facts can not but help, and have resulted to the benefit of the Indians, as it has enabled us to carry a better class of goods at the same or lower prices, and, as at the present time, on a rising market, to be below the market in our prices on numerous staples, by reason of having the goods on hand. We believe it a fact which can be easily verified, that staple goods are sold at stores on the reservation cheaper than at towns adjoining the reservation.

Aside from these two things, there is no further connection between the stores in a business way, except keeping check on our credits. Each store is run entirely on its own basis and the goods are sold with no collusion, dictation, nor interference from any other store.

I think you will readily see from the reasons given that the idea is a good, straight business proposition. You know that the credit business is one of the hardest things we have to contend with, and that anything that can be done to control that must naturally result to the advantage of the Indian as well as to ourselves. You will further realize that the only possible way to accomplish this was by making our interests at the different places mutual.

It might be of interest to you in this connection to add that we have tried for two years to sell the store at Pryor and that so far we have been unable to find a buyer.

Very respectfully, yours,

E. A. RICHARDSON.

RICHARDSON MERCANTILE COMPANY,
Forsyth, Mont., August 3, 1907.

Mr. Z. LEWIS DALBY,
United States Indian Inspector, Crow Agency, Mont.

DEAR SIR: In reference to our conversation regarding certain percentages allowed on our merchandise sold on the reservation we take pleasure in stating the following:

In the purchase of our goods Mr. E. A. Richardson acts as the purchasing agent for the reservation, together with the Richardson Mercantile Company, of Forsyth, the last-named company doing a yearly volume of business of approximately $300,000.

This added volume enables us to obtain prices from wholesalers, jobbers, and manufacturers at a greatly reduced rate over that possible to be obtained in any other manner. All of the stores represented in these purchases also take advantage of every trade discount for cash. We are thus enabled to compete in prices with all stores surrounding us of which are our competitors in business.

It is a recognized perquisite that cash payments for goods entitle one to a longer line of per cent than a credit system, as money in business is worth and commands money at all times. The system of per cent insisted on by you removes all incentive toward safe business for the reason plainly seen in this example. The trader on, say, an adjoining reservation, is heavily involved, has no credit, and is thus forced to pay a premium on all goods purchased.

Your system would permit of this man charging the Indians with this premium and retaining for himself a like profit with the trader who pays cash; no one suffers through this policy but the Indians and white customers on the reservation.

There is always available to any inspector inspecting the reservation a comparison of prices with the surrounding towns. If the white settlers pay these prices it is a self-evident fact that they are not exorbitant. A further reason that this system is unfair is the exceptionally heavy volume of credit on an Indian reservation.

A trader's goods represent money, and under the laws governing a reservation he has absolutely no recourse to a dishonest Indian, while a merchant in the surrounding towns is amply protected. To equalize this condition it would seem that in all fairness an additional profit should be allowed an Indian trader. This is not, however, asked for. We contend that the per cent system eliminates entirely any incentive for the trader to own his goods through paying cash and acquiring additional volume of business, also incurring expense to market, thus enabling him to sell at a lower price to the Indians, while on the other hand, were the prices in the towns surrounding the reservation taken as a maximum, the Indians being permitted to purchase either on or off the reservation as they now are, the trader in that event is forced to compete with the outside merchants, and the Department could make it obligatory on his part to meet their prices on all merchandise. This, we think, would be a fair adjustment and put us on an equal footing with the surrounding business houses, which would be perfectly satisfactory to us.

After your investigation of the conduct of the stores you will appreciate the fact that departmental regulations are formed to fit extreme cases and that in the conduct of a trader's business from time to time immaterial matters can not be conformed with to the advantage of either Indian or trader.

It has been our endeavor at all times to treat the Indians with absolute fairness consistent with business principles, and we sincerely invite any criticism you may care to offer.

Very respectfully,

JNO. W. SCALLY.
A. L. BABCOCK.
E. A. RICHARDSON.
H. C. LOBDELL.
H. V. BAILEY.

A. L. BABCOCK HARDWARE COMPANY,
Billings, Mont., August 5, 1907.

Mr. Z. LEWIS DALBY,
Indian Inspector, Crow Agency, Mont.

DEAR SIR: Your favor of August 2 duly received. In answer to which I will say that in 1900 I was granted by the Indian Commissioner a license to trade with the Indians at Crow Agency. The question of my nonresidence on the reservation was taken up at that time with the Department, under Mr. Jones, and they consented to grant my license and yet retain my residence in Billings. Something over three years ago I sold my store at Crow Agency to Mr. J. E. Edwards, and sometime after that date I was given a license at Pryor, under the name of A. L. Babcock & Co., the company being Mr. J. W. Scally, in charge of the business.

In order to better regulate the credits, or, rather, arrive at a practical method of selling the Indians goods on credit, which seems to be unavoidable, and also in the matter of buying, the three stores were placed under the management of Mr. E. A. Richardson and the three stores merged together for convenience and for the better service to the Indians and the white persons who traded at the reservation stores. This matter was taken up by Mr. J. E. Edwards, as I have understood it, with the Department, and the conduct of the stores as at present was by the Department consented to, believing it to be to the best interests of the Indians and all parties concerned. It has been unquestionably to the interests of the Indians, in that we have been able to buy goods in quantities such as would enable us to lay the various staple goods down at the various stores at a much less cost than would be the case were each store to buy in small quantities and ship by local freight. A comparison of prices on staple goods sold at Billings or Sheridan will, I am sure, establish the fact that staple goods are sold cheaper at points on the reservation than at either Billings or Sheridan; and, as I have stated, it has been my understanding that the operation of the stores as they are at present conducted, and as above stated, was fully explained to the Department by Mr. Edwards and met with their approval.

I will say that my interest in the stores is four-fifteenths; that of Mr. Scally, in charge of the Pryor store, one-fifteenth, which is one-third of the whole.

Knowing that the matter of my nonresidence on the reservation had been passed upon favorably years ago by the Indian Department, and with the understanding that the stores as operated and explained to the Department by Mr. Edwards was satisfactory, I was not aware that there would be any objections to the operation of the stores as now conducted, and I am sure that the Indians under the present arrangement are served more satisfactorily in every way, with better goods at lower prices than could possibly be the case under any other arrangement.

If there is any further information desired, I shall be glad to communicate with you further.

Very respectfully, yours, A. L. BABCOCK.

BANK OF COMMERCE,
Forsyth, Mont., August 3, 1907.

Mr. Z. LEWIS DALBY,
United States Indian Inspector, Crow Agency, Mont.

DEAR SIR: My partner, Mr. E. A. Richardson, has just informed me on my return home of your inquiry as to the ownership of the Crow Reservation stores.

I formerly owned and held an Indian license, was a nonresident of the reservation, and had direct permission from the Department to purchase this store. I purchased the store from Mr. A. L. Babcock, of Billings.

After operation for some time I became convinced that the system of handling the credits on the reservation was not advantageous to either the Indians or the traders, and took this matter up personally with Mr. Larrabee, Assistant Commissioner in the absence of the Commissioner. Major Larrabee called in the chief of miscellaneous department and discussed the matter with her, and informed me that there was no objection to my proposed change.

Mr. Richardson has omitted entirely informing you on this matter. I will come to the agency Sunday night and give you the data Monday morning.

Yours, truly,

J. E. EDWARDS.

ROSEBUD LAND AND IMPROVEMENT COMPANY,
Forsyth, Mont., August 7, 1907.

Mr. Z. LEWIS DALBY,
United States Indian Inspector, Crow Agency, Mont.

DEAR SIR: In reply to your letter requesting information as to the ownership of the stores at Crow Agency, St. Xavier, and Pryor, on the Crow Reservation, will state that E. A. Richardson owns four-fifteenths, A. L. Babcock four-fifteenths, myself four-fifteenths, H. V. Bailey one-fifteenth, H. C. Lobdell one-fifteenth, J. W. Scally one-fifteenth.

As to my connection with the stores on the reservation, Mr. A. L. Babcock, of Billings, Mont., desired to sell the store at Crow Agency owned and operated by him, and made a proposition to me to buy it.

I informed him that inasmuch as I had been connected with the agency, having served as agent, I would not care to entertain the proposition until first ascertaining the wishes of the Department.

I addressed the Commissioner of Indian Affairs, Mr. W. A. Jones, and was informed that the Department would be pleased to issue me a license, notwithstanding the fact that I would not reside on the reservation. I gave to the man in charge of the store for me a small interest, and the license was issued in the names "J. E. Edwards and H. V. Bailey," firm name "Edwards & Co." After conducting this store for some time I became convinced that the business would, under the then existing system of credits, show a steady loss, for the reason that many of the Indians extended the ntire credit they were entitled to at one store and would then go to the others, doing the same, with the result that when pay day came but one account could be settled.

Being in Washington, D. C., I visited the Indian Department, and in the absence of the Commissioner, at that time Mr. Leupp, consulted the Assistant Commissioner, Mr. Larrabee, and discussed the situation in detail, informing him that the existing conditions were beneficial to neither Indian nor trader, and that indiscriminate credit was ruination to four out of every five white men and would apply to Indians as well; that unless this could be controlled it meant one of the two systems, either those paying their bills to make good those who did not or failure of the trader, and asked if the Department would have any objections to the throwing together of the two stores at the agency, the one owned by Mr. E. A. Richardson and the other by myself.

Mr. Larrabee called in the head of the miscellaneous department and discussed the matter again in detail and then informed me that inasmuch as license was issued to anyone who would furnish a bond and did not exclude competition there was no objection whatever.

I returned home and interviewed Mr. Richardson; he informed me that he was not in a position nor was he justified in purchasing my store for cash, but would take the stock over, I to hold an interest in the business to the extent of my stock and accounts. I accepted with the offer on my part that at any time he felt inclined to so do he could take over my part for its exact inventory price.

While this helped matters to a small degree, the Indians continued to practice the same system, exhausting their credit at the agency and then do the same with the other stores on the reservation.

Mr. Richardson came to me about the matter, and I informed him that our only help was to consult with Mr. Babcock and Mr. Lobdell, and if they would join us in the same manner that I had him that he in turn could purchase for all, thus benefiting in purchase by volume in business and could control the credits that we at that time found ruinous.

We visited these gentlemen and arranged on identically the lines that Mr. Richardson and I had maintained. While this was beyond the permission of the Department, it was in absolute lines with carrying out just what the Department desired.

While the matter has not been given general circulation, my stand was that with what the Department had sanctioned and the fact that all Indians and whites trading with the stores were treated absolutely fair, bonds being furnished, it was of no concern to anyone.

You will find that Mr. Richardson's reputation as to integrity and business ability are unquestioned.

In conclusion I will say that during the existence of this affair I have never examined or had examined any part of the books of the business. Have visited the reservation five times in five years, two trips of which were to consult you. Have received a very small return on my investment and my offer to sell at exact cost has been at all times open.

Very respectfully,

J. E. EDWARDS.

ST. XAVIER, MONT., *August 5, 1907.*

Mr. LEWIS DALBY, *Crow Agency, Mont.*

DEAR SIR: In reply to your inquiry as to whom was interested in my business would say that they are the following, viz: A. L. Babcock, E. A. Richardson, J. E. Edwards, W. A. Scally, and H. V. Bailey. We combined the business in this manner so that it would enable us to buy merchandise cheaper and so that we could ship in carload lots, which allows us to make better prices than if we shipped by local freight, as the local freight rates are very high on the western road.

This enables us to sell to the Indian as cheap, if not cheaper, than in the surrounding towns. Otherwise I am running my store independent of anyone else; that is, I mean I pay my own bills and make my own selling prices on goods. The average profit I have been making has been 16 per cent after taking out running expenses, which amount to at least 10 per cent. Taking the 16 per cent and 10 per cent together would make 26 per cent, which is about the same as the general per cent of profit allowed by the Indian regulations.

I am, very truly, yours,

H. C. LOBDELL.

are the care of children who now are deprived of school advantages on account of disease, and the older Indians. The majority of children who are now not admitted to the schools could, by proper care and attention in a hospital, under a proper régime, be made well.

In taking care of these children two objects will be accomplished, they will receive proper relief when they most need it, and they will at the same time be under the best kind of civilizing influence. If the children who are growing up can be convinced that the Indian medicine practice with all its accompanying superstitions is not the best for them they will have traveled a long way, a very long way toward civilization.

In addition to these two classes of patients the hospital, in time, will be patronized by the older Indians. There is no doubt about this. Some few Indians, for some time, have entered the hospital of Billings, and as the time passes the number will be greater. The agency physician, at the present time, is seriously hampered in his work by not having a proper place to care for sick Indians. At the present time he is caring for an Indian with a broken thigh in a room at the agency. Two days ago he was called to Pryor subagency and assisted in inducing the Indian parents of a girl, who is also suffering from a broken thigh, to consent to put her under the care of Doctor Oberlander (the superintendent at Pryor School) and himself. Had the girl not received proper treatment when she did she would never have been able to walk. The leg was broken three weeks ago, and the position of the leg when seen two days ago was extremely bad. She will probably now have a good, useful limb. More instances where good could be done and pain and suffering prevented could be given, but it should not be necessary.

The main question is, will the older Indians avail themselves of the hospital after it is built, and I believe they will. The care that the children will receive and the results obtained will be a continual object lesson to them and they will want to avail themselves of the same privileges when they are sick or hurt. It should be emphasized that many now avail themselves of hospital treatment in Billings and more would, I believe, if they had the money.

The influence of the Indian medicine man, in my opinion, is always bad and the principal method of combating that influence is by proper equipment for caring for the sick and injured.

Very respectfully, GEO. J. FANNING, *Physician.*

EXHIBIT H.

CROW AGENCY, MONT., *June 24, 1907.*

Z. LEWIS DALBY, *Indian Inspector.*

SIR: Confirming what I said to you on yesterday, I have to say that upon information given me by various persons, whose names I will give you so far as I am able and as soon as I can get the list together, and whom I questioned sufficiently to convince me that they were telling the truth, I believe the following to be a true statement of facts:

Some time within the last four months Agent Reynolds joined an Indian dancing society in the Black Lodge district known as the "Night Hawks." Agent Reynolds thereafter invited the "Night Hawks" to join a society then recently organized by him at the agency known as the "Elks Lodge." About one month after Agent Reynolds joined the "Night Hawks," a meeting was held in the carpenter shop at the agency, at which there were present Agent Reynolds, members of the "Night Hawks," a few Indians from other districts on the reservation, Carl Leider, Dick Wallace, and Joe Stewart, and Messrs. Ballou, Small, Bailey, Ball, and Brown. Prior to this meeting Carl Leider and Dick Wallace had been told by Agent Reynolds that charges would be brought against them by Mrs. Grey for stealing cattle, this for the purpose of inducing them to side with the "Elks Lodge." Frank Shane was urged to attend this meeting, but refused, though I think he attended a later meeting. These meetings were held for the purpose of increasing the membership of the "Elks Lodge" above referred to. At the first or second of these meetings there was a barbecue for which Agent Reynolds furnished a whole beef and other food. Plenty Coos was present at this barbecue, but refused to join the "Elks Lodge." At this meeting (at which the barbecue was held) the Indians were permitted to dance, and in this connection the Black Lodge Indians were assured that they should have special privileges in regard to dancing which were not accorded to the Indians of other districts. The condition of the carpenter shop after this barbecue meeting was such that Mr. Ballou refused to clean it up, and it was later cleaned up by Mr. Ball. Joe Stewart

I am writing to the Big Horn and wish you to call the council and get your balers so you will have money for this winter. When Reynolds bought the thrashing machine two years ago, he paid $6,000 for them, but charged the Indians $10,000, stealing $4,000, so be careful this time and have some one watch. You could pay a good man a whole year with that one steal and have a good many thousand dollars more a year than you have.

You can write to me at the Sheridan Inn, Sheridan, and my letters will be sent to me wherever I am.

Sincerely, yours, HELEN GREY.

DEPARTMENT OF THE INTERIOR,
Washington, November 30, 1907.

The SECRETARY OF THE INTERIOR.

SIR: In my report, dated August 12, upon my investigation of the Crow Reservation, I refer on pages 64–66 and again on page 81 to a hearing which I held on June 25, upon certain charges which the Rev. J. G. Burgess had made to me against the Indian agent. In that report I stated the general conclusions which I reached as a result of this hearing, but I did not give a transcript of the testimony taken. In view of recent developments, and particularly of the calling in question generally by the Indian Rights Association of the accuracy of my report above referred to. I deem it wise to submit a record of the hearing referred to, to become a part of the public files in connection with my report. I transmit herewith such record for that purpose.

Very respectfully,

Z. LEWIS DALBY, *Indian Inspector.*

CROW AGENCY, MONT., *June 25, 1907.*

Record of hearing upon charges brought by the Rev. J. G. Burgess against S. G. Reynolds, Indian agent.

Present: The Rev. J. G. Burgess, S. G. Reynolds, Indian agent, and Z. Lewis Dalby, Indian inspector.

The hearing was opened by the inspector by handing to Mr. Reynolds the charges made by Mr. Burgess (of which he had until that moment had no notice whatever), requesting him to read them and make such statement as he wished upon the subject, after which the witnesses referred to by Mr. Burgess, and any other witnesses that Mr. Reynolds might suggest, would be called and examined.

MR. BURGESS'S CHARGES.

CROW AGENCY, MONT., *June 24, 1907.*

Z. LEWIS DALBY, *Indian Inspector.*

SIR: Confirming what I said to you on yesterday, I have to say that upon information given me by various persons, whose names I will give you so far as I am able and as soon as I can get the list together, and whom I questioned sufficiently to convince me that they were telling the truth, I believe the following to be a true statement of facts.

Some time within the last four months Agent Reynolds joined an Indian dancing society in the Black Lodge district known as the "Night Hawks." Agent Reynolds thereafter invited the "Night Hawks" to join a society then recently organized by him at the agency known as the "Elks Lodge." About one month after Agent Reynolds joined the "Night Hawks" a meeting was held in the carpenter shop at the agency, at which there were present Agent Reynolds, members of the "Night Hawks," a few Indians from other districts on the reservation, Carl Leider, Dick Wallace, and Joe Stewart, and Messrs. Ballou, Small, Bailey, Ball, and Brown. Prior to this meeting Carl Leider and Dick Wallace had been told by Agent Reynolds that charges would be brought against them by Mrs. Grey for stealing cattle; this for the purpose of inducing them to side with the "Elks Lodge." Frank Shane was urged to attend this meeting, but refused, though I think he attended a later meeting. These meetings were held for the purpose of increasing the membership of the "Elks Lodge" above referred to. At the first or second of these meetings there was a barbecue for which Agent Reynolds furnished a whole beef and other food. Plenty Coos was present at this barbecue, but refused to join the "Elks Lodge." At this meeting (at which the barbecue was held) the Indians were permitted to dance, and in this connection the Black Lodge Indians were assured that they should have special privileges in regard to dancing which were not accorded to the Indians of the other districts. The condition of the carpenter shop after this barbecue was such that Mr. Ballou refused to clean it up, and it was later

LOUIS BALLOU, carpenter, called and duly sworn:

Q. Mr. Ballou, did you ever attend a meeting of the Order of Buffaloes?—A. No, sir—well, let me qualify that in this way: I went down there, but this was before it met. I was not present after they had really organized.

Q. When was that?—A. I can not give you the date.

Q. About when?—A. I believe it was in January, but I can not be certain. It was cold weather; I remember that much.

Q. Tell me, now, what occurred while you were there.—A. Nothing, because they had not organized.

Q. Did you see any of the "stunts" that were done?—A. No, sir.

Q. Have you any knowledge of what was done?—A. Only by report.

Q. Have you ever talked with Mr. Burgess about it?—A. Yes, sir.

Q. Will you tell me what you said to him, as near as you can recall?—A. As near as I remember, I said that they were doing farce work that was taken from the secret orders.

Q. Is that all?—A. That is all. Well, maybe I might qualify that by—of course I mentioned over some of the things that were reported to have been done to him. I think I did. I am sure I did.

Q. Tell me some of those.—A. Well, that they put the applicant down on a board and branded him with a piece of ice, and that scared him, you know, and they did that, you know, as a kind of a play. And they also took his photograph with a little camera, and that they shot water in his face, and that they—of course I witnessed none of this; I only know what was reported to me. They singed their hair. But, mind you, that was all play. They did not really singe the hair. And they attempted to cut him—apparently cut him with a knife, and used red paint, and it seemed as though he was bleeding. I think they dropped water on him.

Q. Anything else?—A. I do not recall anything else.

Q. That is what you said to Mr. Burgess?—A. Yes, sir.

Q. Did you say to Mr. Burgess that the organization had all the bad features of the secret orders and none of the good?—A. I may have said that.

Q. Is that your opinion?—A. I guess it is.

Q. I would like for you to say positively.—A. I will say —— (pause).

Q. It is your opinion?—A. ——

Q. Are you a member of any secret order?—A. No, sir.

Q. Have you ever attended an initiation?—A. No, sir.

Q. Have you any prejudice against secret orders?—A. No, sir.

Q. Do you know whether the ceremonies here are comparable to those in other secret orders?—A. No, sir.

Q. Will you then tell me why you think this embodies all the bad features and none of the good features of the secret orders?—A. Well, just simply what I stated in the first place—that is, it was the farce part of the secret orders. So far as I know, that is all that it consisted of.

Q. You say you were not present during the meeting?—A. No, sir.

Q. Then you have no knowledge of what actually occurred?—A. None whatever.

Q. Do you think, as a general proposition, that it is a wise thing to repeat things that you do not know anything about?—A. It may be unwise, but it is human nature to do it.

Q. What was the condition of your shop after this meeting?—A. The first meeting, it was all right. The second meeting, it looked like a slaughterhouse.

Q. How do you mean looked like a slaughterhouse?—A. There were pieces of meat, and bones, and dirt of all kinds all over the place.

Q. Did this indicate to you any more than that there had been a feast there, and that, in Indian fashion, the men had dropped these things on the floor?—A. That is all.

(The inspector here asked Mr. Burgess if he wished to ask Mr. Ballou any questions, and he said that he did not. The inspector then asked Mr. Reynolds if he wished to ask any questions.)

Q. (By Mr. REYNOLDS.) Were there any more than two meetings?—A. Not to my knowledge.

Q. (By the INSPECTOR.) Did Major Reynolds ask you if the boys had been down and cleaned up the shop after the meeting?—A. No, sir; it was after the first meeting. He did ask me after the first meeting. Now I will have to qualify that this way: If there were more than two meetings, then it was after the first one only; if there were three meetings, then it might have been after the second; if there were only two meetings, then it was after the first one only.

Q. Was it after the meeting at which the feast was held?—A. No; it was not after that. Because I did not see the agent after that, not for several days, because the key

Q. Were any of them such as you had not experienced?—A. I think, possibly, one was.

Q. (To both Reynolds and Bailey.) I will ask you gentlemen as to the nature of them. Was there anything in that "stunt" which you would have resented if applied to yourself?—A. (From Bailey and Reynolds.) Nothing whatever.

(Mr. Reynolds withdrew his objection to this feature, as it is not peculiar to a secret society, but is more or less generally known.)

Q. Mr. Bailey, then, in view of this statement by Mr. Reynolds, are you willing to tell me about that one?—A. That was the branding.

Q. Was there a barbecue at this meeting?—A. Not that I know of. There was a lunch after the meeting was over.

Q. Describe the lunch.—A. It was canned fruit; I don't remember—I put it up at the store. It was just ordinary stuff we got out of the store.

Q. Was that all?—A. That is all that I know of.

Q. (By Mr. BURGESS.) What meeting was this?—A. That was the first meeting.

Q. (By INSPECTOR.) That is, it was the meeting which you understand was held in March?—A. I think it was March. There was snow on the ground. I do not have any particular recollection of the time.

Q. You attended only one?—A. Yes, sir.

Q. Was there any beef at that meeting?—A. Not that I know of. When we got through with the initiation it was pretty late, and I went home. I have a list of the stuff they got that night over at the store. I think I could find it, if you care to see it.

Q. Who paid for it?—A. It has not been paid for.

Q. Was it a contribution from you?—A. No; I expected it would be paid for.

Q. To whom are you looking for the payment?—A. It would be paid out of the lodge fund, if there was any, I presume.

Q. Is it your custom to extend indefinite credit of that kind without any personal guarantee?—A. It was not a custom, but this was a little different sort of a proposition.

Q. How was it different?—A. Well, it was the organization of these Indians that wanted to be organized in a lodge, and I was interested in it to the extent of the enjoyment of it. I did not care much whether it was paid or not. I simply made a memorandum of the stuff, and have not thought anything of it since.

Q. You say you did not stay there until the end of the meeting?—A. I did not stay to the lunch. I stayed until all the Indians were taken in and then went home.

Q. You do not know, then, as to the condition of the shop afterwards?—A. No, sir.

Q. Do you know anything about the Night Hawks?—A. No, sir.

Q. Did you ever hear of such an organization?—A. No, I do not think I have. I know that these different dancing Indians have little clubs among themselves, and they go by different names, and I think I have heard of one known as the "Night Boys," think they call themselves; I do not know anything about who is in it.

Q. Do you know whether any white men belong to it?—A. No, sir; I do not know.

(Messrs. Ball and Brown, the next witnesses referred to by Mr. Burgess, were not at the agency when called for.)

CARL LEIDER was called and duly sworn.

Q. State your name and occupation.—A. Carl Leider; occupation, cowboy, at present.

Q. Do you belong to the order of Buffaloes?—A. No, sir.

Q. Did you ever attend a meeting of the order of Buffaloes?—A. Yes, sir.

Q. When?—A. I can not give you the date.

Q. About when?—A. It must be about the first part of April, I think.

Q. Had you attended any meeting previous to that?—A. No, sir.

Q. Are you quite sure of that?—A. Yes, sir.

Q. Tell me what happened at the meeting you attended.—A. I attended that meeting and they initiated a few members at that meeting. I was present. After initiating a few members then they adjourned.

Q. Was there a barbecue at that meeting?—A. No, sir.

Q. Was there one after the meeting?—A. Not after this meeting; no.

Q. When was there a barbecue?—A. I don't know.

Q. Did you ever attend a barbecue?—A. No, sir.

Q. Where was that meeting held?—A. This meeting that I was present was held in the carpenter shop.

Q. Did you attend more than one meeting?—A. No, sir.

Q. Were you asked to join the Buffaloes?—A. Yes, sir.

Q. By whom?—A. By Fire Bear.

Q. Was it before or after this meeting?—A. Before.

Q. Why did you attend this meeting? A. Because I was asked to attend.

Q. And at the meeting you refused to join the order?—A. Yes, sir.

Q. What did they have?—A. Bread, meat, and coffee.

Q. Anything else?—A. Some other sweet things; but I don't remember whether apples or not.

Q. What sort of meat was it?—A. Ribs of beef.

Q. Who furnished the beef?—A. The members of the order collected the money and bought the beef from an Indian.

Q. How much did it cost?—A. I don't know.

Q. How much beef was there?—A. Ribs, hind quarters, shoulders.

Q. Practically a whole beef, then?—A. Yes.

Q. How many men were present?—A. There must have been 80.

Q. Was this barbecue during the meeting or after the meeting?—A. After the meeting.

Q. What time of night did they get through?—A. I think about 11 or 12 o'clock.

Q. Did any of the Indians dance at that meeting?—A. Not exactly dance—a kind of a dance.

Q. Describe just what it was.—A. After they had the meeting and after they had the barbecue, some of the boys got together and began singing Indian songs, and they all felt pretty good and a few women were in there—happened to be around—and they danced around a little bit, and after that singing that was all there was to it.

Q. Did the women join in the dance?—A. They were outside and came in; they joined in the dance.

Q. What sort of a dance do they call it?—A. Woman's dance.

Q. Describe just what they do in that dance.—A. [Here Big Medicine got up and went through the motions of the dance. It resembles in a crude way the simplest figures of the Virginia reel.]

Q. How long did they dance at this meeting?—A. They danced with two songs. After that I told them they better quit and all go home.

Q. Was the agent there when they were dancing?—A. I think he had gone.

Q. Had he given you permission to dance?—A. I don't know.

Q. Had anything been said at the meeting about dancing?—A. Nothing.

Q. Then these Indians were dancing without permission?—A. Yes.

Q. Were there any white men present?—A. I don't know.

Q. As chief of police did you know that that was right or wrong for them to dance there without permission.—A. I thought that the way they were dancing was not wrong.

Q. What instructions have you from the agent in regard to dancing in this district?—A. The agent's instructions were whenever this district wants to dance they tell me and ask my permission to dance; then I go to the agent and tell him that the district wants to have a dance, and if the agent says yes I go back and tell the Indians to dance, and tell them not to have any trouble or give away anything.

Q. When was the last time the agent gave such a permission for a dance?—A. The last holiday—Decoration Day.

Q. Did they dance when the agent gave them that permission?—A. No.

Q. What was the time previous to that when he gave them permission to dance?—A. Christmas.

Q. Have they danced at any other times than these?—A. No.

Q. Having these instructions about dancing, when these fellows began dancing at that meeting what was it your duty to do?—A. As soon as they commenced to dance I jumped up and spoke to Sees with his Ears, and asked what they were dancing for, and Sees with his Ears said it was no dance; they just danced for fun; and I told Sees with his Ears they better quit it, and they quit.

Q. Have you ever stopped other dances?—A. Yes.

Q. When?—A. Back in Stouch's administration.

Q. When?—A. The Black Lodge Indians got together to dance one Sunday and I stopped it. It was about cutting-hay time.

Q. Are there any times since then that you had stopped a dance?—A. No; not since then.

(Intermission for dinner.)

Q. Do you know of the organization known as the Night Hawks?—A. Yes.

Q. Who belongs to it?—A. A good many; there is a Night Hawk organization in every district.

Q. Who belongs to the one in Black Lodge?—A. Curley and myself, Three Irons, Louis Bompard, Pretty Red Paints, Old Horn, On Top of Tepee, Round Rock, Owl Above, Young Hairy Wolf, David Dawes, and others.

Q. How many altogether?—A. Maybe 36 or 37.

Q. Are there any white men members?—A. I don't think so.

Q. Is Major Reynolds a member?—A. No; he could not be, because he is a white man.

Q. Did Major Reynolds ever attend a meeting of the Night Hawks?—A. Not that I know of.

Q. What is the purpose of the organization of the Night Hawks?—A. No set purpose; mostly young fellows get together and organize for friendship.

Q. Do they dance?—A. Yes.

Q. When do they dance?—They dance whenever all the other districts dance.

Q. Do they dance without permission?—A. They dance when the others dance; that is, when they get permission.

Q. Do they ever dance at any other times?—A. Not that I know of.

Q. Were the members of the Night Hawks specially invited to join the Buffaloes?—A. No; some belong to the Buffaloes and some to the C. I. L.

Q. Was there any special effort made to get all the Night Hawks to join the Buffaloes?—A. I have not heard any talk about it.

Q. Tell me how the men behaved at that barbecue.—A. They had a jolly time, shook hands, and were laughing, and when the dance started up I stopped it, and they felt jovial over the barbecue and they went home happy, and there were a few women went in after the barbecue.

Q. Was there any disorderly conduct at the barbecue?—A. No; there was no disorderly conduct because I was there, and if I had seen anything of the kind I would have known it.

Q. How did they manage about the barbecue, distributing the food?—A. Two men were elected to cut up the meat into pieces. They cut this meat into a big pan, and after it was all cut up they passed it around; each member picks up a piece of meat.

Q. What did they do with the pieces, the scraps, after eating?—A. The pieces left from the barbecue, what was on the floor, they picked up and threw into the creek, and what was good to eat they took home and give to their families.

Q. Did they pick up the pieces off the floor and throw them away?—A. They detailed two men to go over the floor and pick up the pieces and throw them away.

Q. Who were those two men?—A. Louis Bompard and George Thomas.

(I immediately sent for Louis Bompard and George Thomas, but neither could be found on that day.—Z. L. D.)

Q. Did you see these men do that work?—A. No; because I shortly went out after they were told to clean the floor.

Q. Do you know whether they did it?—A. I don't know.

Q. When was the collection taken up to pay for the meat?—A. I don't know whether they did take up a collection or not.

Q. I think you said that they did.—A. Yes; what I said before was that they intended to take up a collection to buy a beef. Whether they did I don't know.

Q. Then they have not taken up any collection yet to your knowledge?—A. I don't know.

Q. Do you know who paid for the food in the meantime?—A. All the food they had at the time was to be paid for by taking a collection from the members of the organization, and what food they needed from the store; they came to the agent and gave him a list of the food they wanted to use, and Major Reynolds wrote the list for them and they took it to the store.

Q. Did they expect to pay for that food or did they expect Major Reynolds to pay for it?—A. They expected to pay for it after taking a collection from every member of the organization. Whatever it amounts to, it would be divided up, so much for every member.

Q. But that collection has not yet been taken up?—A. I don't know.

Q. Have you paid anything yet?—A. No.

Q. Do you expect to pay anything?—A. Yes.

Q. Do you know whether Plenty Coos was invited to join the Buffaloes?—A. Myself, I came to Plenty Coos and asked Plenty Coos that they go and have the barbecue and I would like to see him join in the barbecue, and Plenty Coos told me he was a member of the Eagles, and he did not want to join any other orgainzation, and I told him that was good.

Q. Did Plenty Coos attend this barbecue?—A. Yes; he attended the meeting, but not the barbecue.

Q. He went into the meeting, but went out before the barbecue?—A. Yes; he was at the meeting and didn't stay long.

Q. Was Frank Shane invited to join the Buffaloes?—A. Frank Shane went into the meeting, and while in the meeting some of the boys asked him whether he wanted to join the lodge, and Frank said no.

Q. Was Frank urged to join any more than simply asked to join?—A. No; he was not urged much to join.

Q. What do you mean by not urged much to join—how much?—A. We left him to do as he pleased.

Q. When did he leave the meeting?—A. I don't know; I think he left there shortly after being asked to join.

Q What meeting was this, the first or second?—A. The last meeting.

Q. Was Frank at any other meeting?—A. No.

Q. Had he been asked previously to join?—A. Not that I know of.

Q. Was there any opposition between the Buffaloes and the C. I. L.'s?—A. I didn't want any opposition between the two organizations. I told Frank Shane to tell the members of his organization, the C. I. L., to notify his members that whenever any boys, members of that club, making any talk to the Buffaloes, to stop it; that I would do the same thing; that is, let out that I didn't want any opposition.

Q. As a matter of fact, was there any opposition between the two?—A. There might have been; there are many bad men on both sides.

Q. Do you know of anything of that kind?—A. Yes. No, I take that back; I don't know personally, but I have heard a lot from hearsay.

Q. From whom have you heard it?—A. Sun goes Slow.

Q. Is Sun goes Slow a member of the Buffaloes or the C. I. L's.?—A. I don't know whether he belongs to the C. I. L., but he doesn't belong to the Buffaloes.

Q. Who told you about this?—A. Knows the Ground.

Q. What organization does Knows the Ground belong to?—A. Big Horn lodge.

Q. Did you or any other members of the Buffaloes attempt to get members of the C. I. L. to join the Buffaloes?—A. No; but we left it to them to join whichever they wanted to.

The Inspector here asked Mr. Burgess and Mr. Reynolds if they wished to ask any further questions. The following questions were then put by the inspector at the suggestion of Mr. Reynolds:

Q. How many candidates did Major Reynolds tell you you ought to have for an initiation?—A. I don't remember. Lots of times he would attend a meeting and go back and forth to the office.

Q. What do you mean by lots of times when there were only two or three meetings?—A. I mean he would attend a meeting for a little while and walk over to the office and see if everything was all right, and come back and see if everything was all right and return, etc.

Q. Did Major Reynolds say anything to you as to how many candidates you ought to have at that last meeting?—A. He told us; he was on the outside of the door and told us about four members.

Q. Did he mean four members to bring at one time for the initiation?—A. Sometimes we took in one at a time, sometimes two, and sometimes four.

Q. How many were initiated at that last meeting?—A. I don't know, but I think there must have been 80.

Q. How many men were there altogether at the last meeting?—A. I don't know; about 80.

Q. Did Major Reynolds say anything to you about not having too many at any one meeting on account of its taking too long?—A. He said too many members coming in at one time was not much good. I heard some talk, whether from Major Reynolds or from some of the boys I do not know, but think probably a few was enough to become members at one time.

Q. When was the first time you said anything to Major Reynolds about organizing the lodge—how long ago?—A. Since last fall. I and some others made a trip to Billings and saw an organization of Elks in Billings, and I thought that was pretty good, and when I came back I asked the agent whether an organization of that kind could be gotten up among the Indians. I told the agent all about what I saw over there.

Q. Did you ever speak of that subject of organization before you went to Billings?—A. Yes, three years ago. For the last three years I have spoken to the agent about forming an organization of this kind. I often tried to become a member of some white men's lodges.

Q. About how many Indians took part in that dance at the barbecue?—A. Ten or twelve.

Q. Are you sure there were no more than 10 or 12?—A. I think there were not more than 10 or 12.

Q. Do you know of Major Reynolds saying anything to the Indians about whether they could dance or could not dance at these meetings?—A. Major Reynolds told them that in the Buffaloes' meetings those meetings were not for a dance.

Q. When did Major Reynolds say that?—A. Ever since we started to organize the lodge. Major Reynolds told us when we organized, this organization not for a dance.

Q. Did the letters say that he should have the position permanently?—A. Well, it was so long since I saw those letters that I can not say that it was offered to him permanently; but I was given to understand by either Miller or Mr. Throssel that they would secure my transfer to some other position, and they asked me if I was willing to go to Pryor. I was not; if I took the transfer as long as I had come here to be transferred I should have to receive an increased salary.

Q. Who spoke first about this?—A. I can not recall.

Q. How did the subject come up between you and them?—A. I believe it was Miller that asked me if I would go over to Pryor.

Q. Now as to what Mr. Lewis said.—A. He said, "That is a delicate thing to do and I would not dare to do it."

Q. You say Major Reynolds was what you called scared; why?—A. That is what I am unable just now to recall; if I could think it over doubtless I could recall the ones I had in mind. I believe Major Reynolds was scared by Mrs. Grey.

Q. Why do you think he was scared by Mrs. Grey?—A. On account of the first trouble that they had up there at Lodgegrass.

Q. What was that?—A. That is all that comes to me.

(I then pointed out to Mr. Ballou in very emphatic terms the impropriety of his thus jumping to conclusions as to the agent's being "scared," and the Indians "having him going," and talking to people promiscuously about it on account of things which he said were mere trifles, and which he could not then even recall; that his conduct had apparently resulted in more than a mere trifle, because it had evidently largely influenced Mr. Burgess to make charges against the agent, which I was now investigating. I did not preserve a record of exactly what I said to Mr. Ballou in this connection.—Z. L. D.)

FRANK SHANE was called and duly sworn.

Q. State your name and occupation.—A. Frank Shane, carpenter.

Q. Do you know about the organization known as the Order of Buffaloes?—A. I don't know.

Q. Do you know of any other order by any other name?—A. Yes, sir.

Q. Tell me about it.—A. C. I. L.

Q. Do you know of any other than the C. I. L.?—A. No, sir.

Q. Do you know of the existence of any other organization?—A. No, sir.

Q. Were you ever invited to join any other organization?—A. I was invited; they have a meeting down here at the carpenter shop. I do not know what that is, but I was invited there.

Q. When was that?—A. That was last April.

Q. Did you attend that meeting?—A. No, sir.

Q. What do you mean when you say that you did not attend it?—A. I did not go down.

Q. You mean that you were not in the meeting at all?—A. No.

Q. That you did not go into the carpenter shop at all?—A. Yes, sir.

Q. Have you any knowledge of the meeting?—A. I don't know.

Q. Who asked you to join this organization?—A. Mr. Bailey.

Q. When?—A. Just before they had the meeting.

Q. Where?—A. At the store.

Q. Did anyone else ask you to join it at any time?—A. Mr. Miller was asking me if I wanted to join.

Q. When was that?—A. Just before the meeting.

Q. Where?—A. At the store.

Q. What did you say to Mr. Bailey?—A. I told him I did not have time.

Q. What did you say to Mr. Miller?—A. I told him I would go down if I have time.

Q. Did anyone else ask you to join?—A. No, sir.

Q. And you did not go down?—A. I did not go down.

Q. Did you have any conversation with Mr. Burgess about that meeting?—A. I told Mr. Burgess that I was called in there, but I did not go. That is all I told him.

Q. What did Mr. Burgess say to you at that time?—A. He told me that I didn't have to go if I didn't want to.

Q. Did you think you had to go?—A. No.

Q. Why, then, should Mr. Burgess tell you that you didn't have to go?—A. I don't know.

Q. Tell me if you said anything else to Mr. Burgess.—A. That is all I remember.

Q. Did you talk with anyone else about it?—A. No, sir.

Q. Did you ever tell Mr. Burgess that you had attended one of these meetings?—A. I was intended to go down, but I didn't go down.

Q. Do you know of any opposition between the C. I. L. and this Buffalo organization?—A. No, sir.

Q. Did you ever hear of any such opposition?—A. No, sir.

Q. Did you ever tell Mr. Burgess that you thought this organization was formed to oppose the C. I. L.?—A. Not that I remember.

Q. Did you ever attend a barbecue here?—A. No, sir.

Q. Did you ever know of a barbecue being held here?—A. Well, I heard that, but that is only just hearing, that's all.

Q. From whom did you hear that?—A. Just a crowd and not any individual.

Q. Did you ever talk with anyone about what you had heard in this regard?—A. No, sir.

Q. Did you ever tell Mr. Burgess that you had heard there had been a barbecue?—A. Yes, sir.

Q. What did you tell Mr. Burgess?—A. I just only told him that they had had a big feast.

Q. You said just now that you didn't know.—A. I told him that I had heard that they had had a big feast.

Q. What else did you tell him in that connection?—A. I guess that's about all.

Q. Do you know anything about the Night Hawks?—A. I know that the Indians had a kind of dance that they called the Night Hawks.

Q. Is it a dance or an organization for dancing?—A. Only a kind of a party.

Q. Are you a member of it?—A. Yes, sir; each district has one.

Q. When was the last meeting of the Night Hawks?—A. Never had any meeting.

Q. Tell me some of the members of the Night Hawks?—A. Hoop on the Forehead, Plays with Himself, Banks, Medicine Tail.

Q. Are there any white men members of the Night Hawks?—A. No, sir; I don't know.

Q. Did you ever hear of any white men being members of the organization?—A. No, sir; I never did.

Q. Did you ever hear that Major Reynolds had joined the Night Hawks?—A. No, sir; I never did.

Q. Did you ever say anything to Mr. Burgess about Major Reynolds having joined the Night Hawks?—A. No, sir.

At this point Mr. Burgess and Major Reynolds were asked if they wished to suggest further questions. The following question was asked at the suggestion of Mr. Reynolds:

Q. Did the Major speak to you one night in the store and ask you to come down and join the boys and have some fun?—A. That was with Mr. Bailey, wasn't it? Mr Bailey was there. I remember now.

Q. What correspondence have you had with Mrs. Grey?—A. Never had any.

Q. Think about that. Did you never write to Mrs. Grey? What correspondence have you had with Mrs. Grey?—A. I have written to her.

Q. How often?—A. One letter.

Q. How often has she written to you? How many letters have you gotten from her?—A. Three.

Q. Have you those letters?—A. No, sir.

Q. Who has them?—A. I don't know.

Q. Did you destroy them?—A. Yes, sir.

At this point the following letter, dated Crow Agency, Mont., April 17, 1907, and signed Frank Shane, which had been inclosed by Mrs. Grey with her undated letter to the President early in May and upon which she had written: "I wrote Frank Shane as I did the others, that you were going to send a good man to the reservation. He did not get the letter," was handed witness for inspection:

MY DEAR MRS. GREY: To-night I have received the first letter from you since you left for Washington. All sorts of pressure has been brought to bear on me by the agency people to make me go back on you, and at times I have felt rather blue, because I have received no letters from you while other people were getting them. I will send for all the boys who were arrested and will try to have a flashlight taken of the group. I am held at work at the agency and can not leave, so you must have patience for a few days. All we want to know of you is that you are true to us; we have been fooled so often that you must excuse us if we sometimes doubt even you. I am very glad to get your letter and to know that we have no reason to fear. I also want to tell you that this time you can trust the "Indians' promise" and that the boys are right with you as when you were here.

Please remember that this is the first letter I have received from you since you left.

Yours, truly,

FRANK SHANE.

Mr. Bair is tearing down his sheep-shearing sheds at the Reno farm, 6 miles south of the agency. Hurrah for the Crows!

Q. Did you write that letter?—A. No, sir; Mr. Burgess did.

Q. What sort of pressure was it that the agency people brought on you to make you go back on Mrs. Grey?—A. They would all talk me out of it everywhere I would go.

Q. Who?—A. Mr. Richardson——

Q. Did Major Reynolds ever talk to you to go back on Mrs. Grey?—A. Yes, sir.

Q. Tell me what he said to you.—A. Said to me that Mrs. Grey was telling a whole lot of lies and trying to make up a whole lot of trouble.

Q. Did he tell you anything else?—A. That's all.

Q. Did you believe him?—A. I don't know.

Q. That was all he said to you?—A. That was all I remember.

Q. Who else in the agency brought pressure to bear upon you?—A. George Pease is one of them.

Q. Is he connected with the agency?—A. I don't know; he belongs on the reservation.

Q. What did George say?—A. Talked to me about citizenship—about paying taxes.

Q. What did he say?—A. Say we have not got no money to pay taxes. If we become citizens we have to pay taxes.

Q. Did he say anything else?—A. That's all.

Q. Who else brought pressure to bear on you?—A. That's all.

Q. Anybody else at the agency here?—A. No, sir.

Q. Was any other pressure of any kind brought to bear upon you?—A. No, sir.

Q. Did you authorize Mr. Burgess to say in the letter to Mrs. Grey: "All sorts of pressure has been brought to bear on me by the agency people to make me go back on you?"—A. No, sir.

Q. Describe to me how this letter happened to be written.—A. I got a letter from Mrs. Grey. Wants to know something about this here. And that is why I written this letter.

Q. But you didn't write this; Mr. Burgess wrote it for you. I want to know the actual circumstance of the writing. Were you present when Mr. Burgess wrote this?—A. Yes, sir.

Q. Did you tell him what to write?—A. Yes, sir.

Q. Did you dictate the language he was to use in the letter?—A. Yes, sir.

Q. Did you read over the letter after he had written it?—A. Yes, sir.

Q. Did you approve it as proper before you signed it, as what you intended to say to Mrs. Grey?—A. Yes, sir.

Q. Well, now, tell me why you say you did not authorize Mr. Burgess to write the sentence I quoted. Did you ask Mr. Burgess to write that sentence?—A. Yes, sir.

Q. What sorts of pressure were brought to bear upon you to make you desert Mrs. Grey?—A.—— (pause).

Q. Did you tell him what to put in this letter?—A. Yes.

Q. Did you tell him to say "all sorts of pressure has been brought to bear on me by the agency people to make me go back on you"?—A. I didn't use that word, but that is the sense of it.

Q. Tell me in your own words what you told him to say in that letter.—A. I told him about George Pease, what he say, and Richardson, and Mr. Reynolds.

Q. These three things that you related to me?—A. Yes, sir.

Q. Did you tell him of anything else?—A. That is all I remember to tell him.

Q. Was that the basis of this statement that "all sorts of pressure has been brought to bear on me by the agency people to make me go back on you?"—A. Yes, sir.

Q. Was there any other basis for that statement?—A. No, sir.

Q. Did you tell Mr. Burgess to put in this letter "I am held at work right at the agency and can not leave, so you must have patience for a few days?"—A. Yes, sir.

Q. What did you mean by saying that you were held at work at the agency?—A. I mean to say that I am here at work and I can not get away.

Q. Were you on the pay roll?—A. Yes, sir

Q. What steps would you have to take ordinarily to get away?—A. Ask the boss.

Q. Did you ask the boss to let you away?—A. No, sir. I didn't want to leave my work.

Q. Then why did you say that you were held at work?—A. I mean that I don't want to get away.

Q. Tell me what you said to Mr. Burgess upon which he based that statement.—A. I told Mr. Burgess that I am here at work and I can not leave my work to get away to do these things—to find out things.

Q. Did you tell him that you did not ask permission to get away?—A. No, sir.

Q. Did you simply tell him that you were at work and did not want to leave your work to go away to attend to these other things?—A. That is what I mean to say.

Q. When they first thought of the idea of citizenship?—A. Yes, sir.

Q. Who suggested it to them?—A. Mrs. Grey.

Q. Did they ever think of wanting to be citizens before Mrs. Grey suggested it?—A. No, sir; I don't think they ever thought of it.

Q. Were there any other rights that they were with her to get?—A. That is all I know.

Q. Did you tell Mr. Burgess to say in this letter, "Please remember that this is the first letter I have received from you since you left?"—A. Yes, sir.

Q. Why did you say that?—A. I said that because that was the first letter I received.

Q. Did you have reason to think that other letters had come which you had not received?—A. No, sir.

Q. Then why should you have mentioned this as being the first at all? Did you have a suspicion that there had been other letters that you had not gotten?—A. Yes, sir.

Q. Why did you have that suspicion?—A. It seems to me some of the other boys getting the letters, and I didn't get any.

Q. Was that the only reason?—A. That is the only reason.

Q. Did you tell Mr. Burgess to say in this letter "Mr. Bair is tearing down his sheep-shearing sheds at the Reno farm, 6 miles south of the agency. Hurrah for the Crows!"—A. Yes, sir.

Q. Why did you say "Hurrah for the Crows?"—A. The Crows was kind of glad that the sheep was moved.

Q. What Crows were glad?—A. Lodgegrass, the people in Lodgegrass.

Q. Why were the people in Lodgegrass glad?—A. I don't know.

Q. Do you suppose they know or knew at the time?—A. Yes, sir.

Q. Why do you suppose they thought they were glad?—A. They kind of like it because that taking the sheep out of their range.

Q. How would that benefit them?—A. I don't know.

Q. Were they not glad because Mrs. Grey had made them think that the sheep were there to their wrong and injury?—A. Yes, sir.

(There was some further desultory talk with Frank Shane upon this subject, from which it transpired that the shearing outfit had been on Frank Shane's own place, and that personally he regretted its removal, as it had been a considerable source of revenue to him. I didn't preserve a record of this, as it developed incidentally and was not material to this investigation. As it was then late, I said to Mr. Burgess that I would have to adjourn the hearing for the present, as I had to be absent in Billings for a day or two, but that I would resume the inquiry and examine the other witnesses upon my return. He said that he was thoroughly satisfied that he had been mistaken in the charges he had made, and asked me to pay no further attention to the matter. I told him frankly that I was of the same opinion, but that I was quite ready to continue until I had examined all the witnesses to whom he referred. He said he did not think that was necessary, and asked me please to drop the matter, which I accordingly told him I would do.

(My reason for holding this examination on this particular day, absolutely without previous notice to anyone of my intention to do so, was as follows:

(The Secretary of the Interior was to be in Billings the next day. I was to meet him there at that time for the purpose of giving him in general my opinion of the agent. When Mr. Burgess on the 23d and 24th made his charges against the agent I saw at once that if they were in any degree substantially true they would greatly affect my opinion in that connection, and that therefore I must investigate the charges immediately in order that I might have sufficient data upon which to base my opinion of the agent.—Z. L. D.)

Z. LEWIS DALBY.

DISTRICT OF COLUMBIA, *ss:*

Before me, Laura B. Holderby, a notary public in and for the District aforesaid, personally appeared Z. Lewis Dalby, Indian inspector, who, being first duly sworn, deposes and says that the record contained in the preceding 46 pages (numbered from 1 to 45, inclusive, including page 12½) is a true record of the hearing conducted by him at Crow Agency, Mont., on June 25, 1907, and that, except so far as in such record specifically appears otherwise, such record is based directly upon and is a true transcript of shorthand notes made by him at the time.

Subscribed and sworn to before me this 30th day of November, 1907.

[SEAL.] LAURA B. HOLDERBY.

CROW AGENCY, MONT., *August 12, 1907.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: In pursuance of instructions contained in your letter of May 27, I return herewith the letter addressed to the President by "(Mrs.) Helen Pierce Grey," under date of "Crow Agency, Monday," (May 20), and report thereon as follows:

Mrs. Grey was arrested and ejected from the Crow Reservation by Agent Reynolds on March 10, 1907. In the charges which she submitted to the President she says that the agent threatened to arrest her, but weakened upon her counter threat of publicity and did not arrest her. Undoubtedly not only was the President, but you and the Commissioner of Indian Affairs also were unaware when you talked with her in April that she had been arrested and bodily ejected from the reservation. It was evidently on this account that she asked for written permission to return to the reservation. She received Commissioner Leupp's letter of April 24, which merely requested for her "proper courtesy in connection with her attendance at certain ceremonial dances."

She seems to have returned to the reservation about May 14, and the only color of authority she could have had for so returning was the Commissioner's letter of April 24, above referred to. But for this letter she would have incurred liability to a penalty of $1,000 under section 2148, Revised Statutes, for returning to the Indian country after having been ejected therefrom. Perhaps under the circumstances she did actually incur this liability in spite of the Commissioner's letter, since that letter had undoubtedly been obtained through gross misrepresentation and concealment of facts.

She was, however, not content to confine herself to the colorable authority given her by the Commissioner's letter. She represented to the Indians that she came with direct and ample authority from the President and with power practically to assume control of the reservation. The mere fact that she was able to return at all after having been forcibly arrested and ejected from the reservation was sufficient to give to this claim color of truth in the eyes of the Indians. In view of these developments, it may seem that the agent is open to criticism for not having reported to the Indian Office the facts in connection with Mrs. Grey's first arrest, as the Department was thus put at a disadvantage in dealing with her from lack of knowledge of what had actually occurred; but the ejection of undesirable persons from the reservation is a matter of more or less frequent occurrence, and it has never been the practice to report such matters to the Indian Office.

She had a number of meetings with the Indians, who flocked to her in large numbers from different parts of the reservation, neglecting their work at a most critical period. She told them many things which were absolutely false and a few that had some color of truth, but in all she played upon them for her own purposes, producing excitement, idleness, and incipient anarchy.

On May 17, at about 5 o'clock in the afternoon, Agent Reynolds arrested her at Lodgegrass in the house of Frank Gordon, charging her with being on the reservation without authority and with inciting the Indians. She refused to submit to arrest and claimed to have authority direct from the President. When called upon to show this authority she was unable to produce it, but claimed that the document was in her traveling bag at Wyola. She was arrested by force. She resisted arrest. In her scuffle with the policemen her shirt waist became torn. She then agreed to submit to arrest and go quietly, provided she were permitted to retire and change her clothes. This was done, and she was then taken from Frank Gordon's house at Lodgegrass to Crow Agency, a distance of about 25 miles, and placed in the agency hotel, under arrest.

She was given the best room in the hotel and was regularly attended by the agency physician. No steps were taken to prevent her from communicating with anybody on the outside, and, so far as I can learn, every letter that she asked to have posted was posted. It appears, however, that when she was on the reservation last winter a number of telegrams which she sent collect had been refused by the addressees, and the operators had in consequence been forced to pay the tolls themselves, as Mrs. Grey refused to do so. For this reason, apparently, the telegrams which she now tendered for transmission to various newspapers, without tendering prepayment of charges, were refused by the operator. The telegram which she did send to Mr. Loeb was prepaid personally by Agent Reynolds.

The agent released her from arrest about noon of May 18, upon receipt of instructions from the Acting Commissioner of Indian Affairs. She remained at the agency, voluntarily, until the following Monday, May 20, when she left on train 42, in the afternoon, for Sheridan, Wyo.

It is quite likely that Mrs. Grey did suffer some personal inconvenience and discomfort in connection with this arrest. The drive of 25 miles to the agency was made during the evening, but the weather was not unseasonably cold, and the agent personally purchased additional wraps for her. In her arrest she was undoubtedly roughly handled, but from my subsequent experience with her in a similar case I am quite prepared to believe that no more force was used than was necessary to overcome her resistance, nor does the testimony of those present indicate that unnecessary force was used. While under arrest she occupied the same room that I have since occupied during my entire stay at the agency. It is not luxurious, but it is the best available.

The reasonableness of her attitude on all this matter may be inferred from the fact that while here she said she was afraid that the agency physician would poison her and telegraphed to Sheridan (the proprietor of the hotel guaranteeing the tolls for her, as the operator would not otherwise send the message) for a physician to come from there to attend her. She afterwards told me in all seriousness that she had to telegraph to Sheridan for a physician as she was afraid the agency physician was going to poison her.

The charges in Mrs. Grey's letter to the President are absolutely baseless. In my opinion the circumstances would have amply justified the agent in dealing with her much more severely than he actually did.

Very respectfully,

Z. LEWIS DALBY,
Indian Inspector.

CROW AGENCY, *Monday.*

Mr. ROOSEVELT,
The White House.

MR. PRESIDENT: It can not be possible that I am receiving this outrageous treatment at your hands!

I came here with Mr. Leupp's permission, have been arrested with every indignity and held not under arrest, but under most obnoxious surveillance, being too ill from the outrages of your agent's treatment to leave and unable to get any communication to the outside except the telegram I sent to Mr. Loeb, which has not been answered.

Respectfully,

(MRS.) HELEN PIERCE GREY.

CROW AGENCY, MONT., *July 14, 1907.*

MY DEAR JUDGE PARKER: Last night I learned accidentally that Mr. Samuel M. Brosius, agent of the Indian Rights' Association, was at the agency, at the house of the Rev. Mr. J. G. Burgess, who has been in more or less frequent communication with Mrs. Grey since she was ejected from the reservation. I sent word to Mr. Brosius that I had just heard that he was here for some purpose connected with the Indians and that I should be pleased to talk with him at my room. In response to my questions he said that he had not come here to see Mr. Burgess about any matter connected with the Indians, but merely to call upon him as a personal friend whom he had not seen in several years; that he had seen Mrs. Grey, but when or where or what they talked of he would not state; that he had some matters in connection with the reservation that he might or might not submit to the Indian Office for investigation. I told him that if he would tell me the matters he had in mind that might need investigation I would look into them, or if I had already looked into them I would tell him what I had learned, my idea being, of course, that if in good faith he knows of anything wrong he should cooperate with me to bring out the facts. He declined to discuss the matter with me at all, however, and in that decision I of course acquiesced; but I urged him if he had any matters to submit to the Department to do it at once, and this he promised to do. My immediate purpose in writing this letter to you is to ask that you take steps to become informed of whatever charges he may submit as soon as possible after they are submitted, so that if they are such matters as in the opinion of the Department should be referred to me the reference may be made at once.

As I wrote you the other day, I was delayed in my work here for about a week by sickness after my return from Helena. But I have completed the greater part of the work of investigation and am beginning work on my report, and I am quite anxious to get away and turn my face eastward once more, but I don't want to leave an unfinished job. The Indians generally are now well aware of Mrs. Grey's character and of

the condition of affairs which actually exists on the reservation. There are, however, a few light-headed ones and a few disgruntled and disreputable ones who are always ready to help along any trouble that any busybody may start.

Mrs. Grey is now and has been for a week past at Parkman, just beyond the southern border of the reservation. A few Indians in that region have been to see her frequently and she has been across the border at least once. Mr. Brosius was with her in Parkman on Wednesday and Thursday last and had a long conference with her and a number of Indians and squaw men. He went from there to Billings Thursday night and came from Billings here yesterday evening about 5 o'clock, and left here for Sheridan this morning about 2 o'clock.

About the middle of last week Mr. Burgess went to Lodgegrass and spent a day or two in conference with Joe Cooper, during which he did a great deal of writing. Immediately afterwards Joe Cooper went to Parkman and was present at the meeting with Mrs. Grey and Mr. Brosius. Joe Cooper is a worthless and disreputable half-breed who has been one of Mrs. Grey's tools from the beginning.

Mr. Brosius says that Mr. Burgess did not expect him yesterday evening. At the time of his arrival Mr. Burgess was at Reno for the purpose of holding a meeting with the Indians, presumably for religious purposes.

I do not yet know positively, but from all the circumstances and my knowledge of the situation generally I am inclined to think that in his conference with Joe Cooper last week he was formulating charges which he wrote out for submission to Brosius and which Joe then took to Brosius at Parkman.[a] Burgess has been in communication with Mrs. Grey and must have known of Brosius's coming; in fact, I am inclined to think that he cooperated with Mrs. Grey to get Brosius out here. He admitted to me that he had received three letters from Mrs. Grey within the last three weeks, but he said he had not written her any letters in reply; yet at the same time he declined to show me Mrs. Grey's letters or to tell me their contents, alleging no other reason than that he preferred to keep them for reference. I am also inclined to think that the meeting which he planned for last night at Reno was for the purpose of getting additional material to submit to Mr. Brosius on his arrival here. If so, however, it was a failure.

Before I came here Mrs. Grey told me that Burgess was in hearty sympathy with her and what she was doing. As soon as I was able after I came I sent for Burgess and invited him to bring to my attention any matters that might need investigation. This was after I had put Mrs. Grey off the reservation. He expressed hearty approval of my action in that matter and the hope that I might be able to have her punished for the harm she had done to the Indians and said he had never been in sympathy or cooperation with her. He mentioned but one matter for investigation, and I inquired into this while on my tour of the reservation and found it to be absolutely without foundation. On returning and telling him about this, I was surprised to find that he practically declined to believe that I had been able to find out the truth about the matter. He then brought up (for the first time) some rather serious charges against the agent, and this time I made him put his charges in writing. I investigated them thoroughly, having him present and examining the witnesses under oath and making a complete record of the testimony myself. He admitted after an all-day session that he had been entirely mistaken and that his charges were baseless, and asked me to drop the matter. Notwithstanding all this, and the pains I have taken to inform him of the facts on account of his presumptive influence among the Indians, he flatly refuses to believe that I have been able to find out the truth about conditions on the reservation, for the reason, as he says, that the Indians will not talk to me because Mrs. Grey and Plenty Coos told them not to. He has talked with some, at least, of the Indians along this line.

He is a center of influence for unrest and discontent. He believes without discrimination whatever the Indians tell him, and the Indians know this, so that the disaffected and worthless ones go to him with their stories. Instead of examining them intelligently to find out the truth, he accepts their view; instead of impressing the Indian for right by reason of his strength and force of character, he is impressed by the Indian. He has little mental power and no force of character beyond the natural pigheadedness of the born Scotchman. I said to Mr. Garfield when in Billings that I was wondering whether this man had not better be off the reservation. My further study of him and of the situation convinces me that he is an element that in the interest of the Indians should be eliminated. In my report I shall so recommend.

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[a] I have since learned that it was a letter of introduction to Brosius that Burgess wrote for Joe Cooper.

I have written you all this (rather hurriedly) because I think it may be of value to you in considering whatever Mr. Brosius may submit. These Indians merely need to be left alone now and given a chance, and they will go ahead with the gratifying progress they have been making during the past few years, until Mrs. Grey came; but so long as unauthorized persons are allowed to butt in here and thrash over with the Indians their grievances, whether real or imaginary, there is going to be trouble and retrogression.

I am sending a copy of this letter to Mr. Garfield at Crater Lake, Oreg.

Very truly, yours,

Z. LEWIS DALBY, *Indian Inspector.*

Judge JAMES I. PARKER,
Private Secretary to the Secretary of the Interior, Washington.

CHICAGO, BURLINGTON AND QUINCY TRAIN NO. 45,
EN ROUTE TO BILLINGS,
July 15, 1907.

MY DEAR JUDGE PARKER: Since writing you yesterday I have learned the following: Mr. Brosius arrived at Sheridan, Wyo., early Sunday morning, June 7, and registered at the Sheridan Inn as from some point in Kansas. He remained in Sheridan until Tuesday evening, June 9. Mr. Burgess went from Crow Agency to Sheridan on Monday, June 8. Both Burgess and Brosius left Sheridan on train 43 on the evening of Tuesday, June 9, Brosius stopping at Parkman and Burgess coming on to Lodgegrass. At Lodgegrass Burgess provided Joe Cooper with a letter of introduction to Brosius, and Joe rode horseback from Lodgegrass to Parkman on Wednesday, reaching there that evening late. Joe stayed in Parkman the next day, talking with Mrs. Grey and with Brosius, and returned home, horseback, after Brosius left Parkman. Burgess came from Lodgegrass to Crow Agency by freight train on Wednesday. Brosius went from Parkman to Billings by train 43 Thursday evening and returned to Crow Agency by train 42 Saturday evening. I wrote you yesterday of my interview with him at the agency. He did not go to Sheridan on train 44 Sunday morning, as he told me Saturday night he intended, but instead he remained at Burgess's house all day yesterday and was not seen out of doors until this morning, when he boarded train 41 at Crow Agency, presumably for Billings. Mrs. Grey was on the same train, having boarded it at Parkman, with a ticket to Billings.

From the above facts it seems to me quite evident that, to state it quite mildly and charitably, Brosius was trying to deceive me when he told me Saturday night that he had not seen Burgess for several years. Since Brosius claims to be a personal friend of Burgess's, it is inconceivable that they could have been in Sheridan for twenty-four hours together without meeting, to say nothing of the fact that they boarded the same train at the same point and rode together for about an hour.

In my conversation with Brosius on Saturday night I asked him whether in going upon a reservation it was his wont to address himself to the authorities upon the reservation. He said no; that he went first to the Indians. I asked him if he had been in conference with any of the Indians on the Crow Reservation. He said no. Therefore, according to his own statement to me, any charges he may make would necessarily rest, apparently, upon information received from Mrs. Grey and Mr. Burgess only. As a matter of fact, however, he did talk with some Indians and squaw men in Parkman last Wednesday and Thursday, and when he came from Billings to Crow Agency Saturday evening he was in company with an Indian named Russell Whitebear.

The above information I have from a number of sources. The information as to Joe Cooper I have from Joe himself, as I went to Lodgegrass to see him after writing you yesterday. Joe said he talked with Brosius and made charges regarding matters on the reservation. He also said Tom Doyle talked with Brosius. Doyle is a worthless and disreputable squaw man who recently served a term in the penitentiary for giving whisky to Indians. I saw him in Sheridan on May 23 when I went to see Mrs. Grey, and told him I would listen to his complaints, but he has never appeared before me. He has been in frequent communication with Mrs. Grey since she was put off the reservation. There were several others in conference with Brosius at Parkman, one or two of the light-headed and irresponsible sort and the others all varying of degrees of ill-repute.

I am sending a copy of this letter to Mr. Garfield at Crater Lake, Oreg.

Very truly yours,

Z. LEWIS DALBY,
Indian Inspector.

Judge JAMES I. PARKER,
Private Secretary to the Secretary of the Interior,
Washington.

CROW AGENCY, MONT., *July 21, 1907.*

MY DEAR JUDGE PARKER: I have just learned that I was in error in several statements in my letter of July 15. Mr. Brosius did not leave Sheridan by train 43 of July 9, but did go from Sheridan to Parkman on July 10, probably by train 41. Brosius did go to Sheridan by train 44 last Sunday morning, and he remained there until last Monday night, when he left there, probably for the East. He registered both at Sheridan and at Parkman as from White Cloud, Kans. My former statements, based upon information received from the agency stock detective, are corrected on the strength of information brought me by the agent, who has just returned from Sheridan and Parkman. The errors in my previous information, however, were not material, and do not in any way weaken my conclusions as heretofore stated.

You have probably discovered that in my letter of the 15th I made a clerical error in writing June in several places where I should have written July.

I caused Mrs. Grey to be detained in Billings last Monday on a charge of returning to the reservation after having been ejected therefrom, and on Tuesday she was regularly served with a warrant sworn out by the United States attorney at Helena charging her with obtaining money from the Indians in violation of section 2105. She is now in the county jail in Billings awaiting hearing, being unable to furnish a bail bond for $1,500.

This work consumed four days (including last Sunday) of my time last week, and I have to be in Billings to-morrow and next day, and possibly the day following, for consultation with the assistant United States attorney, as well as to assist him and possibly to testify, in connection with the preliminary hearing on Tuesday. Altogether, this interruption will have delayed my report at least another week, which I regret extremely, for personal as well as official reasons. I am, however, straining every nerve to make up for lost time and to get away from here as soon as possible. But this last delay was well worth while, and I do not begrudge the time. Mrs. Grey is now effectually disposed of, and there is at last uninterrupted peace upon the reservation, and the Indians are almost without exception working with a will to retrieve what they have lost.

Very truly, yours,

Z. LEWIS DALBY,
Indian Inspector.

Judge JAMES I. PARKER,
Private Secretary to the Secretary of the Interior,
Washington, D. C.

S. M. BROSIUS, AGENT INDIAN RIGHTS' ASSOCIATION,
Washington, D. C., July 23, 1907.

Hon. FRANCIS E. LEUPP,
Commissioner of Indian Affairs.

DEAR MR. LEUPP: You already know of the complaints against the present management of the Crow Indian Reservation, Mont., and of Mr. Z. Lewis Dalby having been sent there to investigate affairs. I make this plea for the Indians, that you will direct one of your officials to go to the Crow Reservation and make a searching investigation.

Mr. Dalby lost whatever opportunity he may have had of getting hold of the situation through the friendly attitude of the Crows who desired the investigation, by his fatal mistake in the first business meeting with them, and the Indians told him then that they had no further confidence in him and would make no further complaints. You may know of the details of that exhibition of Mr. Dalby's temper. He had told the Crows that they must not make statements unless they could be shown to be true, so the Indians were very careful what statements they made. Almost at the beginning of proceedings in the council, one Joseph Cooper, who is president of an Indian organization, stated that he had seen stock of a white man in a certain locality. Mr. Dalby asked him how many there were. Cooper replied that he did not know, as he had not counted them. Mr. Dalby flew into a rage immediately and said to Cooper "You are a God damn liar," and cursed him a second time. Cooper replied "I'll not talk to you, I took you for a gentleman." Dalby then said "You get out of this tent." As Cooper arose to leave the tent, the rest of the Indians in council arose and left the tent with him.

Mr. Dalby then begged them to come back, and the Indians returned with Joe Cooper to the tent. One of the young Indians rebuked Dalby by asking him if he believed in a God and what he meant by making use of such language. Dalby was very much excited and the Indians saw that he was not a safe man for them to council

with, and from the further indication that he was too friendly with the agent, and frankly told him that they could not trust him further, and have kept their word by not taking any further part in the investigation that has been conducted by Mr. Dalby without their assistance. This is the story as related to me by the Indians who were at the council.

THE NEED OF REFORM AT CROW AGENCY.

From the short time I have so far been able to look into conditions at Crow Agency, I have not known of a reservation where the Indians are so helpless, so entirely subjected to the unjust and brutal rule of an agent.

If an Indian shows that he has aspirations for a better condition by objecting to his surroundings and thus interfering with the plans of the agent to further his own interests and schemes he is liable to be, and often is, pounced upon by the agent and thrown into a filthy jail at the agency and kept there at the will of the agent until he is likely to offer no further opposition.

Indians are imprisoned without warrant or justice in order to break their independent will that has been fostered by the Government in leading them up to citizenship, the political condition many of them now hold.

RELATIVES AND PARTNERS IN BUSINESS.

The agent (Mr. Reynolds) has apparently surrounded himself at the agency with many relatives and persons with whom he has mutual business relations.

Mr. Bair, the party having sheep on the reservation, is said to be a relative of the agent's wife. Mrs. Baily, the licensed trader's wife, is a sister of the agent's wife. Clarence Brown, recently farmer at Black Lodge district, is a brother of the agent's wife. He resigned, it is said, since Mr. Dalby came. I have been told that Mr. Brown was clerking in Mr. Baily's store at the agency all through last winter, while he held position as farmer under salary from the Government.

Lee Manes, cashier First National Bank, Billings, Mont., is married to a sister of Agent Reynolds's wife. Agent Reynolds is director in the First National Bank, Billings, and it is thought that funds derived from inherited Indian lands are deposited there. Money can be loaned in this country at 1 per cent per month.

Agent Reynolds gave up his position as cashier of the bank mentioned, which paid him $2,300 annually, to take the present position he holds as agent, at $1,800.

Mr. Moss, president of the bank, is said to be Reynolds's bondsman. Mr. Bair, the sheepman, with stock on the reservation, is stockholder in the bank mentioned.

It is said that Agent Reynolds and Fred Hathorn are brothers-in-law.

The Bull Mountain Cattle Company is said to be composed of Agent Reynolds, Fred Hathorn, and a Mr. Allen. This, at time Reynolds was appointed agent. This company had stock in the reserve, and may have at this time. One account states that Reynolds drove 300 head of cattle on reserve when he was appointed agent.

FRANK HENRY'S CATTLE.

Frank Henry may have "permit" to pasture 2,836 head of cattle at $1 per head, and same charge for any number in excess of those named in permit. It is reported that he shipped $85,000 worth last year. He has a spayed herd of cattle, and branded 1,500 calves last year, so that it is estimated that he must have from 10,000 to 15,000 head of cattle. It is understood about the agency that Henry has not paid anything for grazing the cattle in excess of the number mentioned in the permit (2836).

Persons named Dana and Hysham are said to have managed Henry's round-up last year, and sent word to Agent Reynolds to provide a man to brand the calves belonging to the Indians. The agent did not send anyone, and is said to have made some excuse, which indicates that he knew of the round-up. The Indian's calves no doubt are now turned in with the "Henry" brand on them. The spring of the present year there was no round-up. The Indians desired to "work" their calves in the round-up, but Agent Reynolds is said to have refused to permit this to be done.

ILLEGAL PASTURAGE OF SHEEP.

Charles Bair, I understand, may have a lease for grazing sheep in the Pryor Creek district in the reservation. Indians claim he had no permit to graze sheep in the Lodgegrass district, and that the tribe receives no benefit therefrom, and is opposed to the privilege being given to Mr. Bair covering the latter district.

It is said that in the Lodgegrass district Bair agrees to buy the hay of the Indians at from $4.50 to $5 per ton, if he finds that he needs it. The hay must be taken at his

rule of measurement, which is charged by the Indians to be unfair to them as to time and system, Bair only measuring immediately before using the hay, whereby great loss results through additional shrinkage, etc. If Mr. Bair does not need the hay to feed his sheep, he often sells it at a heavy profit, so that it is claimed his profits on hay shipped may more than equal his outlay for hay fed to the sheep, which enables him to keep his sheep on the reservation altogether free of expense.

Bair is favored by the agent, it is claimed, in maintaining a monopoly of the grazing privilege, as others have endeavored to secure similar privileges without success. When we consider the vast extent of this free grazing ground, we can, in a measure, comprehend the "graft" and injustice to the Indians.

The district of country over which these sheep of Bair's have roamed lies between the Little Horn and Big Horn rivers, extending along the Little Horn from Fort Custer to Lodgegrass, about 31 miles, and along the Big Horn from Fort Custer about 40 miles south, being in a triangular form. Probably not over one-tenth of this district of country is allotted to the Indians, and not over one-half the allotments are fenced. The allottees having no fences around their land receive nothing for grazing from Bair, unless they happen to have a good water privilege and thus can insist upon pay. The allottees having fenced lands are supposed to be paid for the hay Bair may buy of them at his own price, for it is claimed that he deducts for "damaged" hay very frequently. As stated, perhaps nine-tenths, or rather nineteen-twentieths, of this pasture ground is tribal land, from which it is understood the tribe receive nothing.

It is claimed that during the season of 1905 Mr. Bair had 14 bands of 3,000 each, or a total of 42,000 sheep. When driving his sheep out during the spring of the present year, it is said he had 23 bands, with as many wagons, showing that there were about 69,000 sheep driven off the reserve, as the Indians counted them as they were driven off. Wool buyers claim that the clipping of wool must have been from 100,000 sheep, judging from the sum received for it, which is stated to have been $330,000. All these details can be brought out in evidence by an inspection by fit official.

You will realize the allottees in this sheep pasture have no encouragement at all to improve their homes; all their efforts would be rendered useless or fruitless by being overrun by sheep.

If these statements are shown to be approximately correct, it does not appear to me to be necessary to prove by additional evidence that officials of the Government have connived to profit from privileges extended to the persons involved. Results will tend to show design.

The Indians protest that they need the lands illegally grazed for their own stock, and it is surely a wise policy to encourage them in individual stock raising. The fact that Mr. Bair removed his immense herd of sheep from the reservation at a most inopportune season (last spring) when he was subjected to additional heavy expense on that account by tearing down corrals, etc., indicates that he feared if an investigation was pressed his sheep might be held for large sums due for pasturage.

Mr. Bair has shown many favors toward the agent, it is alleged, among which may be cited a trip in Bair's auto by Agent Reynolds and family, as his guests, through Yellowstone National Park, and on another occasion to the Great Lakes.

In general I may say that it is common talk surrounding the reservation that this favoritism and graft of the Indian estate exists, but little attention now being paid to it—the community concluding that the Government is either powerless to prevent these alleged wrongs to the Crows, or else the facts have not been properly brought to the attention of those charged with a proper management of the Indians.

GENERAL CONDITIONS.

I have incidentally referred to the jail at the agency, in which these Indians are imprisoned. This jail is the means by which these Indians are terrorized and brought into submission and acquiescence to the present management by the agent. It is said to be totally unfit for human beings to be incarcerated in at times. Yet men and women have been thrown into this jail together, and often in the bitter cold of winter without fire. This jail is alleged to be infested with vermin, and it is charged that the scanty covering afforded for protection from the cold is often wet from having been used in the "sweat houses" of the Indians. I understand that the inside of doors and walls are covered with obscene pencil drawings, or immoral illustrations burned in the wood with heated irons. In this jail it is charged that two or three of the separate cells are not larger than a common door, with but a small window, if any, that here young girls are imprisoned, sometimes those who have run away from school being kept in this jail for thirty days subjected to these demoralizing influences. The fate of these girls is, during this time, in the keeping of the Indian police who have charge of the keys to the girls' cells. It is even charged in this connection that the

privilege of access to the cells occupied by the female prisoners has been known to be subject of barter by the policemen in charge. It is needless to go more into detail concerning such matters with the Crow tribe, which is not specialized as one of the most moral.

The "sweat houses" seem to be another source of immorality. "Big Medicine," chief of police, is charged with being a tool of the agent, and unprincipled. It is claimed he has compelled women and even girls to go into these sweat houses with him or others in a nude state.

I find I can not go into detail concerning the charges of unfaithful stewardship on the part of Agent Reynolds, and will only refer to them in brief to show the wide scope covered by transactions calling for investigation and correction.

(1) That Indians are induced to sell inherited lands by designing officials at the agency, at a fraction of their value.

(2) That Government Indian farmers (*a*) pasture stock in the reservation, (*b*) and furnish beef from their herds for Government use; (*c*) that they are farming allotted lands for personal benefit, with Government teams, (*d*) and use thrashers and other Government implements for their private benefit first, thus depriving the Indians of the use of these implements or this machinery at the most favorable times.

(3) Dances have been favored by Agent Reynolds—the Indians giving away property, thus demoralizing them. Dance houses have been erected in all the different districts within the reservation since Agent Reynolds took charge—one in each district.

(4) Agent Reynolds has organized an order of Elks, so called, to offset the effect of the Crow Lodge, which the Indians had previously organized, and has forbidden the Indians to attend the Crow Lodge instituted by them, on pain of punishment. The Indians have been feasted by the agent in this connection and dancing allowed those persons who associate themselves with his "organization." The nomenclature of "Elks" lodge being a deception, it is claimed, since it has no connection with the order of Elks among white persons.

(5) That Government Indian employees are working for private interests.

(6) That the Indians were refused a stenographer by Inspector Dalby to conduct their investigation, although they offered to pay the expenses thereof.

(7) That Agent Reynolds has failed to protect the interests of Indians in their stock industry.

(8) That a combination existed to secure by purchase, the lands allotted about Fort Custer, and recently sold, under inherited land sales, the Lincoln Townsite Company being reported to be the successful bidders.

(9) Immorality of Government employees.

(10) Failure to protect inherited lands of wards where agent is specially charged as guardian.

(11) Lack of agent in improvement of the moral conditions among the Indians.

I am impressed by the wrongs by which these Indians seem to be subjected. They have informed me that they can not secure a fair investigation of the conditions existing, or have not up to this time, and that their situation is hopeless at present and they will have no incentive to make effort for improvement of their condition.

It should be understood that Inspector Dalby has not been able to retrieve himself from his fatal error in losing his self-control at the first principal council, and that the Indians who are making complaints have refused to counsel with him since that time.

By brutally cursing the Indians and branding them as liars, Inspector Dalby should not only lose the respect of the Indians concerned, but be the subject of consideration as to fitness for his position.

I appeal to you to secure for these Indians a fair inspection by a competent official, and as I have done on one or more former occasions, I offer to go into the Crow Reservation with your sanction, and endeavor to prove, as far as may be, that the conditions alleged to exist at Crow Agency, do actually exist. I am not anxious to undertake this work, but realizing the need of the Indians I make the proffer.

Inspector Dalby informed me upon first entering the reservation, and after directing me to call at his office, that I had no authority or right to be at the agency or within the reservation, without special authority from the Government, and intimated that he would remove me if I attempted to remain within the reservation to converse with the Indians. I had interviewed some of the Indians outside the reservation and was quite well posted at the time of my visit at the agency. Upon being warned by the inspector I left the reservation. The inspector had the mounted police ready to arrest me, and when he failed to find that I was secretly counseling with the Indians, and upon the further failure to coerce me into telling him what I had learned from the Indians, since I knew my rights in this respect, he seemed to relent somewhat. I informed him that

whatever report I would likely make regarding the conditions there, I would follow my usual custom of presenting to you, which I now do.

I only refer to this attitude of the inspector to show you the character of the investigation he has made, as well as the effort to suppress sources of information.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights' Association.

DEPARTMENT OF THE INTERIOR,
Washington, September 4, 1907.

SIR: I have read very carefully the letter of July 23, 1907, signed by S. M. Brosius, agent Indian Rights' Association, which you handed me yesterday.

As to Mr. Brosius's charges against me, I do not care to do more than plead "the general issue," and ask the privilege of facing my accuser whenever the Secretary of the Interior may desire a more specific answer.

As to what Mr. Brosius has said about Agent Reynolds, Messrs. Heinrich and Bair and Big Medicine, my first impulse was to make a detailed answer in the interest of justice to these men, for the general effect of Mr. Brosius's letter is a vile slander upon them. But this would unduly dignify Mr. Brosius's manifestly ill-considered and unverified statements. It is enough to say that these charges are practically totally lacking in specification, that they are substantially a rehash of the similarly vague charges made by Mrs. Helen Pierce Grey (from whom he undoubtedly obtained them after I had ejected her from the Crow Reservation for attempting to incite the Indians to violence), and that every material allegation in them is fully met in my report to the Secretary of the Interior, under date of August 12, 1907, upon my investigation on the Crow Reservation. Should Mr. Brosius's letter be considered or published in any connection or for any purpose, justice to the men involved requires that my report, above referred to, together with the exhibits and papers therewith, should be considered or published at the same time and in the same connection. In this report will be found a full and sufficient answer to everything that Mr. Brosius has so improvidently alleged, and I therefore deem further or more specific answer at present unnecessary.

It is perhaps not out of place to state in this connection that Mr. Brosius spent a few hours at Crow Agency on Saturday evening, July 13, 1907, and that several days prior to this time he had spent something less than two days at Parkman, Wyo:, in conference with Mrs. Grey and with five or six of the most disreputable and least reliable Indians and squaw men of the reservation. His charges are manifestly based upon information gained on these two occasions, and during a conference at Sheridan, Wyo., on July 8, with the Reverend Mr. Burgess of Crow Agency.

I return herewith the letter of Mr. Brosius above referred to.

Very respectfully,

Z. LEWIS DALBY, *Indian Inspector.*

The COMMISSIONER OF INDIAN AFFAIRS.
(Through the Secretary of the Interior.)

WASHINGTON, D. C., *October 21, 1907.*

The SECRETARY OF THE INTERIOR.

SIR: I return herewith the communication of October 9 from the Indian Rights' Association to the Commissioner of Indian Affairs, signed by J. Rodman Paul, chairman pro tem, N. Dubois Miller, William H. Futrell, Edward T. Child, E. M. Wistar, John B. Garrett, Charles J. Rhoads, Charles Chauncey, and M. K. Sniffen, "on behalf of the executive committee," making certain charges against me in connection with my investigation upon the Crow Indian Reservation, which you handed me this afternoon, and respectfully comment thereon as follows:

These gentlemen say: "Owing to an unfortunate lack of restraint on the part of the inspector at his first meeting with the Indians in council, the latter were alienated and offended, and were unwilling to have further communication with the inspector." * * * "The inspector was therefore deprived by his own action * * * of the opportunity of communicating with the Indians on terms which would enable him to receive frank testimony."

Waiving for the present the lack of specification in this charge, I say that it is false. My reports to you under date of June 1, June 8, and August 12, are a sufficient refutation of it.

These gentlemen further say: "Shortly afterwards, while the inspector was still at the agency, the agent of this association, Mr. S. M. Brosius, whose attention had also

been called to the alleged abuses, arrived at the agency, in order to give such assistance as was in his power to the Government in ascertaining the truth as to the conditions existing on the reservation" * * * "but he (the inspector) rejected the assistance of the accredited agent of the Indian Rights' Association, whose independent sources of information would have been valuable."

This charge is absolutely and unqualifiedly false. Not only is it true that I did not reject any assistance from Mr. Brosius, but it is further true that he did not proffer any, but on the contrary refused even to discuss with me any matters which he may have thought deserved investigation or attention on the Crow Reservation, although I urged him to do so in order that I might either tell him what I had already learned on the subject or else make such investigation as appeared still to be necessary. He would not even admit to me that he possessed any "independent sources of information" which "would have been valuable."

Mr. Brosius arrived at Crow Agency on the afternoon of Saturday, July 13, and went immediately to the house of the Reverend Mr. Burgess. He did not call upon me—although he admitted that he was aware of the fact that I was there conducting an investigation—or in any way advise me or any other officer of the Government of his presence at the agency. At about 9.30 in the evening I accidentally learned of his presence, and at once sent him the following note:

"I have just heard that you are here for some purpose connected with the Indians. I shall be pleased to talk with you at my room at the hotel. I have asked the Indian agent, Major Reynolds, to hand you this note and to accompany you to my room."

Mr. Brosius came with Major Reynolds to my room, and we three talked together for probably half an hour. Mr. Brosius stated at once that he had not come to the agency in connection with any matter relating to the Indians, but merely for the purpose of a frendly call upon Mr. Burgess, saying that he and Mr. Burgess had been friends for a long time and that they had not seen each other for several years and that he expected to (and he did in fact) leave for Sheridan on the early train next morning. (I afterwards learned that Mr. Brosius and Mr. Burgess had met and talked together in Sheridan earlier in that same week. Comment seems quite unnecessary.)

This whole matter was reported fully in my letters to Judge Parker under date of July 14 and 15, copies of which I sent you at Crater Lake, Oreg., at the same time. (I have since discovered some slight inaccuracies in those letters, but they are not material, and the only one that at all affects this matter is corrected in my statement above.)

These gentlemen further say: "On the present occasion, however, Mr. Dalby expressed to Mr. Brosius in no uncertain terms his displeasure at Mr. Brosius's presence and his intention of removing him if he failed to depart voluntarily."

This charge is false. I did not in any way express any intention of removing Mr. Brosius from the reservation. There was in fact no occasion to do so, for at the very outset of the conversation Mr. Brosius stated voluntarily (as above recited) not only that he had not come for any purpose connected with the Indians, but that he expected to leave the reservation before daylight the next morning. I did, however, draw attention to the fact that while I was engaged in an investigation upon the reservation, under orders from the Department, I could not with any official propriety permit any other person whatever to conduct an independent investigation of the same subjects upon the same reservation without express authority from the Department. Mr. Brosius stated that he thoroughly understood this and that he had no such authority and no intention to make any such investigation.

I wish to state now, however, that had Mr. Brosius undertaken any such independent investigation upon the Crow Reservation at that time, without express authority from the Department, I should unhesitatingly have arrested him and expelled him from the reservation, and on the other hand, if he had presented any such authority from the Department. I should quite as unhesitatingly have left him in possession of the field and sent in my resignation by telegraph. Quite aside from all questions of propriety, the peculiar conditions then existing upon the reservation, growing out of Mrs. Grey's propaganda, would have made any other course impossible in either of these contingencies.

These gentlemen further refer to a certain memorandum submitted by Mr. Brosius to the Commissioner of Indian Affairs, and also to a petition from some of the Indians for a reinvestigation. I have already commented upon these documents in my letter of September 4 to the Commissioner of Indian Affairs (transmitted through the Secretary of the Interior) as to the former, and in a memorandum dated September 6, on file in your office, as to the latter.

These gentlemen invite your attention to my "recent report upon the conditions" upon the Crow Reservation. In this I wish to second them. If you will read my report of June 8, and my three reports of August 12, I shall feel quite safe in refraining

from any other answer to these or any other charges which may be made against me in connection with my investigation upon the Crow Reservation. I am quite content to be held responsible not only for the integrity and thoroughness of the work upon which these reports are based, but also for the substantial accuracy of the conclusions therein stated.

These gentlemen further intimate that they and Mr. Brosius will be glad to appear before you "for fuller explanation of the reasons leading to the present communication." In any such event I respectfully request the privilege of being present also. And should you deem further answer on my part necessary I shall be most happy to make it then in your presence and the presence of my accusers.

Very respectfully,

Z. LEWIS DALBY, *Indian Inspector.*

SECRETARY EXHIBIT J. R. G. No. 3.

Hearing of Indian Rights Association in regard to investigation by Z. Lewis Dalby, of the Crow Indian Reservation.[a]

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
October 30, 1907.

The hearing in the above matter was begun at 10 a.m.

Present: Hon. James Rudolph Garfield, Secretary of the Interior; Hon. Francis E. Leupp, Commissioner of Indian Affairs; and Mr. Z. Lewis Dalby, Indian inspector.

Present on behalf of the Indian Rights Association: Messrs. Binney, Miller, Brosius, Wistar, and Sniffen, and Mrs. Markoe.

[1] The SECRETARY. I will have the various matters brought forward in this hearing taken down in shorthand, so that we may know exactly what this procedure is and what are the facts developed. I want to make this formal for this reason: It is a very important case that has been presented by your association in a formal way, and it involves not only the particular facts in this case, but as well the general policy of the Department toward such complaints as this has been.

As I have written some of the members of your association, I have given the matter a great deal of personal examination while I was in the field and also from the papers in the case here, and it has assumed an importance that requires the most careful sort of procedure, to the end that we may understand exactly what your association presents, the grounds upon which the complaint has been made, and the sources of information, so that I may get the facts clearly and be able to make a judgment that will be based upon all the facts that may be presented from any possible source.

Mr. MILLER. Mr. Secretary, would it be asking too much, if manifold copies are made, that we be furnished a copy?

The SECRETARY. Without doubt, you shall have a copy.

Mr. MILLER. It would enable us to make a proper report to our association.

The SECRETARY. As I understand it, this comes up at this time by reason of a letter that your association sent me October 9, which is signed by a number of the executive committee—whether all or not, I do not know. In considering it I shall want you to present this morning such statements and evidence as you may have to substantiate the general statements made in this letter. I shall ask, then, that Mr. Dalby, who is the special inspector I sent out to make this [2] investigation, be put under oath and be given an opportunity to make his statement, and be subjected to cross-examination by you, to the end that you may bring out any fact that you think should be presented or any complaint that you may have against him in his conduct of that investigation. I shall then ask that Mr. Brosius be placed under oath and that he make such statement as he may wish and be subjected to a similar cross-examination, to the end that we may get from him all the facts that he has upon which, I judge, the letter from your association has been based. Am I correct in the assumption that your letter of October 9 is based upon information given to the association by Mr. Brosius?

[3] Mr. MILLER. Yes, sir; you are entirely correct in that. I will say that when I prepared that letter—that is to say, Mr. Paul and I—we had no expectation of course of proving before you to-day, or at any time, without further opportunity of making investigation, the truth of the allegations which are made with regard to the conditions which exist in that agency. Of those we assumed that the Department had already

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[a] The paging of the original document is indicated by means of numbers in brackets, thus preserving the value of the numerous references and cross references.

sufficient prima facie proof, because they had thought it was necessary to make the investigation. Therefore the only point which, as an association, we wanted to bring to the attention of the Department was the fact that, so far as we have been able to learn, the character of the investigation which has now been made is such as not to give it the confidence which either the Indians or the friends of the Indians, represented by our association, would feel and which, as we are all working together—both your Department and the Indians Rights' Association—for a common end, you would feel. But we are not prepared to-day, of course, to offer any other proof than that proof which we have, and which we believe to be quite beyond question, as to the character of the investigation made by Mr. Dalby. We are not here with affidavits from anybody, because we have naturally been precluded from getting any affidavits; but we are here to make a statement to you which, if the facts upon which it is based are in the least degree true, we think will cause you to agree with us that there ought to be some further inquiry made before the Department determines whether or not the agency has been properly administered.

[4] The SECRETARY. Then, if I undesrtand you correctly, you are prepared to-day to present only such facts as would bear upon your specific charge that the investigation conducted by Mr. Dalby was not a thorough and fair investigation.

Mr. MILLER. Yes. I will not say fair, because I do not mean to stigmatize it in any way; but it was not thorough in so far as it was not possible for him to arrive at an entirely clear conception of the facts in view of what transpired.

[5] The SECRETARY. Then I will change the method of procedure to this extent: I will ask you first to make an exact statement, either whatever statement you have in writing or an oral statement, of the matters that you wish presented this morning and to present them in such way as you think best. Then we will call upon these two gentlemen here, in the manner that I have indicated, to take up those particular points.

Now, I want, as far as possible, to get everything we can back of us at this hearing. It is needless for me to say that your association and our office here ought to cooperate in every possible way. At the same time, I want you to appreciate this fact, that the casual and ordinary complaints that come in are of little or no help, because most of them that come to the Indian Office and to the Secretary's Office are neither backed by such a statement of detail as to make possible an investigation nor presented by persons of sufficient responsibility to warrant us in taking up particular investigations. I wish you would be very careful at all times to see that the sources of information upon which you base complaints or suggestions of any kind are reputable, responsible sources and that the facts in any case, so far as you have been able to get them, are presented in such detail as to afford me the opportunity for an exact investigation. I am sure that if your association works along these lines we ought to be able, in every instance where there is a proper complaint, [6] and there are many such cases, to remedy the difficulty and to do that which is just and right in the particular case.

Now for a moment, before going into this matter this morning I want to state to you very clearly what the position of the Department and the Office has been regarding the case, because I judge from some of the correspondence that there has been a misapprehension, perhaps, of the beginnings of the case and of the various steps that have led up to the final investigation. I will not attempt to be correct in the matter of dates and details but will merely make a general statement of how this has arisen.

Mrs. Grey came to Washington about the time or a little before I became Secretary of the Interior, and presented to the President her statement of charges against the agent at the Crow Reservation, and presented it in such a way as to justify the President in believing that an investigation should be made. She thereafter saw Mr. Leupp, or perhaps she had seen him before, and he had told her that any statements that were made in such fashion as to make it possible for him to investigate them or to give her the opportunity of making the investigation, would of course receive the most thorough and careful consideration. She was given every opportunity in the Indian Office to have every paper that she called for or any assistance that she called for for the purpose of making the case which she thought could be made, Mr. Leupp very properly telling her that she must put these various [7] charges in writing and in such form that he could intelligently act upon them.

I had a conference with Mrs. Grey, in which I went over the same ground with her and explained it to her in the same way that Mr. Leupp had done, and she thereafter was given this opportunity.

During the course of that examination she had a personal conference with Mr. Leupp, at which it developed that she had in her mind that he personally might be involved in some of the charges that she would make. Mr. Leupp then told her that under those circumstances of course he could not have anything to do with the investigation; that every opportunity would be given her and every avenue opened to her to make good the charges against him as against anyone else; but that under those

circumstances he must withdraw as an active participant in making the examination; that of course if he were under charges he would be entirely outside the question of either the designation of an agent or of passing in any way upon the facts that she might present. He advised me of that fact, and since that time he has properly and consistently refrained from acting in any way, either in guiding the investigation or attempting to act as a judge upon the reports sent in. The special agent appointed by me, Mr. Dalby, was a man who had been my own private secretary for several years, a man in whom I had every confidence, and he has been acting [8] directly under me, not under Mr. Leupp. He has examined all of these facts with the purpose of finding out whatever was there, whether it might affect Mr. Leupp or anyone else. That will explain to you the reasons why Mr. Leupp has properly declined to take the same kind of part in this investigation as he would had Mrs. Grey not made that statement of the charge against him, which was in connection with some matter of transportation I believe.

So much for the general statement. Now you may proceed in whatever manner you desire in the presentation of what you may have to offer to me this morning for consideration.

Mr. BINNEY. Mr. Secretary, as I happen to be the president of the association I suppose it is only fitting that I should open our side of the matter very briefly. Personally I may say that my knowledge of this matter is extremely recent. I say that for fear that possibly I may not state everything with the absolute correctness which I should wish; but if I err in any matter the error can easily be corrected by those whose knowledge goes back farther than mine. I was abroad last summer and have only recently returned. My knowledge therefore is derived entirely from the letters and reports that have been written in the case and such conversations as I have been able [9] to have with the other members of the executive committee of the Indian Rights' Association. I had not returned at the date of the letter to Mr. Leupp, which is before you.

[10] As you have stated, the original charges in regard to the conduct of affairs on the Crow Reservation were not made by this association at all. I believe that Mrs. Grey was the person who brought the charges. This association had nothing whatever to do with them in the first instance. Mrs. Grey, so far as I know, is not a member of the association, and I have never seen a copy of the charges which she made. All that I know is that an investigation was made and that there were certain complaints in connection with the herding of sheep and cattle on the reservation, and in connection with the treatment of the Indians, who, it was said, had wished to express what they considered their grievances in Washington.

I have seen the greater part of Mr. Dalby's report, those portions which, as I understand, related to matters that would be at all in dispute. In asking for a reinvestigation by another inspector we have made the request, not merely because we believe the matter was one which necessarily required the greatest care in the investigation, one with which an inspector of the greatest experience might properly be intrusted, but mainly because in this particular instance it has been reported to us, from what we believe to be good authority, that the inspector most unfortunately alienated the confidence of the Indians almost at the start by losing his temper or becoming impatient in consequence of an answer he had received from a man named Cooper, and that the inspector used language toward Cooper of the kind that is usually denominated "strong," which led the Indians who were gathered there to leave the tent where this meeting was being held. I believe these Indians expressed to the inspector their lack of confidence in him in consequence of this act on his part, [11] and he did not, as a matter of fact, obtain the information from them, which information, we think, if obtained, would have been very valuable.

As to the precise degree of unwisdom of the inspector's action, I have nothing in particular to say. I don't think that enters into the case. It is simply that in one way or another, in consequence of that, the Indians, who are people who are always rather quick to take offense, became offended, simply would not have anything more to do with him and would not furnish the information which it is believed they might have furnished. They had the idea that the cause was prejudged against them. Rightly or wrongly, they have that idea. Therefore, the first point I wish to urge in asking for a reinvestigation is that in the conduct of this investigation Mr. Dalby, most unfortunately and of course without any intention on his part, deprived himself of the best means of getting at things.

Secondly, when after that had occurred the agent of this association, Mr. Brosius, came to the reservation for the purpose of ascertaining the facts independently as far as he could, and to aid the inspector in the investigation, if the inspector was willing to receive any aid from him, he was sent for by the inspector, who sent the chief of police for him and told him that he had no business to be on the reservation anyhow; that he had no legal authority to be there.

[12] Mr. BROSIUS. Mr. Binney, may I interrupt you a moment? It was not the chief of police but the agent. The chief of police had first called on him, but the agent came with a note from the inspector afterwards.

Mr. BINNEY. The fact remains that the inspector sent for Mr. Brosius, who came to him and was then informed by him that he had no right to be on the reservation. Now I am aware that the Crow treaty, as in the case of most Indian treaties, provides for the exclusion of white men from Indian reservations, the idea being, of course, that the reservations are not open to white settlement. It has never, however, so far as I know, been the practice of the Indian Office to put upon those treaties a construction which would exclude from the reservation any white man who happened to come there for any reasonable purpose and who behaved himself properly while there. Secondly, as I understand it, even if a white man is on a reservation technically without authority of law, it requires the action of the Commissioner of Indian Affairs, approved by the Secretary of the Interior, to cause him to be put off. It is not a matter in which an inspector or agent, as I understand it, can take the initiative without first reporting the fact and receiving authority.

[13] But Mr. Brosius was informed that he had no right to be there at all without having previously procured a permit—a thing which, as I have said, has never previously been required at all; and he was practically forced to leave the reservation, and did leave the reservation immediately—the next morning, I believe—in consequence of what had been said to him by the inspector and in the belief and understanding that if he declined to leave he would be at once put off by force.

Now, I believe that if Mr. Brosius had remained there in accordance with the (as I understand it) invariable custom of the Indian Office, he would have been able in great measure to obviate the consequences of the lack of judgment on the part of the inspector and to have brought the Indian Office and the inspector together again, so that the facts could have been fully inquired into and the full information obtained.

Mr. LEUPP. I would like to interrupt just a moment to correct Mr. Binney's impressions on one point. The uniform practice, as it was always explained to me in my former visits to the reservations, was precisely the reverse of what Mr. Binney has stated. That is to say, I have been repeatedly held up by the Indian police on reservations, in some cases where the rest of the reservation was open and only the agency and school, perhaps, were surrounded [14] by a certain barrier. When I have attempted to cross a certain line the police have held me up and wanted to see whether I had a permit; and at other times the agent has sent for me to know for what reason I was on the reservation, showing that the custom has been rather the other way. I would also call Mr. Binney's attention to the fact that while I was doing work for the Indian Rights Association several years ago I went to Secretary Bliss and asked him if he would give me a permit, such as Secretary Hoke Smith had once before given me in a letter, but Secretary Bliss said no, he would not, as he did not care to give any such general authority to me to go on a reservation; that if I went on there I went at my peril, and I must conduct myself as other citizens did. I told him I always did, and the permit was declined peremptorily and finally; so that all that I did during Secretary Bliss's term I did entirely on my own responsibility.

Mr. MILLER. But you were never practically ejected from a reservation?

Mr. LEUPP. I was never practically ejected from a reservation, but I have been repeatedly called up before the agent to find out what business I had there.

[15] Mr. MILLER. And you were never called up by an inspector actually engaged in making an investigation?

Mr. LEUPP. I do not recall that I ever was, because I made a practice of not going on a reservation where an investigation was in progress, except, I believe, in one instance. That was at La Point Agency, when the Secretary of the Interior himself requested me to go there and consult with the inspector who was making the investigation. But I never made an independent investigation while an inspector was at work.

Mr. BINNEY. I am very glad, indeed, to be set right in this matter as to the practice of the Department. At the same time, while I admit that it is, of course, the practice for an inquiry to be made by the agent when a white man comes on the reservation, as to the purpose for which he comes there, yet if that purpose is a lawful purpose and he is behaving himself properly, as I understand, he is permitted to remain there. He may not be able to claim a right to remain there under all circumstances, but he is permitted to remain as long as he acts properly. And, as I understand, in Mr. Brosius's own experience, he having been for many years the agent of this association, he has visited a great many reservations and the question of his right to remain there has never arisen before.

[16] But I think that in a case of this sort the matter could have been satisfactorily disposed of by a communication from the inspector to the Indian Office, asking whether Mr. Brosius, who is well known to the Indian Commissioner, should remain on the

reservation or not. At all events, the point is simply this, that the inspector did not have the benefit of such information and aid as Mr. Brosius might have been able to give him. That information and aid might be little or much. We believe that it would have amounted to something, especially in consequence of the previous alienation of the Indians. We believe that this alienation of the Indians might have been corrected and that they might have been brought into harmony with the inspector again. But, incidentally, I may say that the inspector in his report states that Mr. Brosius was only on the reservation for a very short time—I have forgotten the exact period of time that he states, but he certainly does not overstate the period of time that Mr. Brosius was there—and yet Mr. Brosius's withdrawal from the reservation was due to the inspector's own action.

As you have already stated in your opening remarks, the question of the relations between the association and your Department and of the right of the association to send an agent to an Indian reservation has come up in this connection. We should like to know what policy is to be pursued in regard to visits to be paid to a reservation by our agent, or by any of the association, for what we believe to be the lawful purpose of inquiring into [17] conditions.

Those two reasons, as I understand it, are substantially our reasons for asking a reinvestigation—that the alienation of the confidence of the Indians prevented a full inquiry from being made or prevented a full knowledge of the facts from coming to the inspector, and that the forcing of Mr. Brosius to withdraw from the investigation also tended to the same end; in consequence of which we believe that the report does not disclose the facts which would otherwise have been disclosed.

As I say, my own knowledge of the matter is small and recent, and there are other members of the association who have a greater knowledge of it than I have.

Mr. BROSIUS. If Mr. Binney will allow a word from me right there in relation to Mr. Dalby's conduct toward myself, I might add that his practically forcing me or giving me to understand that I had no right on the reservation was equivalent to preventing me from returning and continuing the investigation.

Mr. MILLER. Mr. Secretary, I doubt whether any of us can add very much to what Mr. Binney has said, because he has stated the only two points upon which we felt that we had any right at the present time to bring this question to your attention. Possibly some little [18] different point of view might present itself which would enable us to emphasize the same points which he has already made. If you will let me, I will simply suggest to you the thoughts which are in my own mind.

An Indian agent, in view of his peculiar position, is necessarily more or less autocratic. There is no doubt about the fact that the Indian agent is in a position in which he is dealing with a class of people over whom he must have greater power than would ordinarily be given to a man who was dealing with his equals; and he therefore is in a position to exercise tyrannical power if he is of the mind to do so, and it is very difficult, except by very careful supervision by his office, to prevent that from being done if he is not the right sort of a man. In saying this I am not expressing any opinion whatever as to the agent who was under investigation at the Crow Agency; but the fact remains that the Indians feel that they are entirely within the power of their agent.

There is also another fact, which is the result of what I think I may fairly say has been a most conservative policy on the part of the Indian Rights' Association, and that is that the Indian Rights' Association has established amongst the Indians the feeling that they have in it a friend who can be of service to them, and that whatever they seriously take up is a question which is likely to receive an honest and careful consideration from the Department.

[19] So that if the Indian Rights' Association presents to the Department a report that there are wrongs existing or alleged to exist upon a reservation, they have a reasonable ground of supposition that if an inspection is ordered in consequence of that and the Indian Rights' Association has an opportunity of presenting the facts as they have learned them, that report will be a satisfactory one to themselves and they will remain satisfied with the conclusion which has been reached.

Now, here we have a situation in which—not knowing anything about the original merits of the complaints which were made, because we do not know anything about them—it had come to the knowledge of the Department, through the President, I understand, that there were some grounds for making an investigation. The Department felt that it was necessary and proper that an investigation should be made; therefore we need not go into the question as to whether a prima facie case had been established upon that point. An investigation was ordered, and it was ordered on the complaint of the Indians in that reservation. Among the grounds of complaint was the fact that they were being treated tyrannically by the agent. Whether that was right or wrong I have nothing to say. I do not know whether it was true or false.

We only know that there seems to be great dissatisfaction on the part of a large body of the Indians, and that there were some of the white [20] men in the neighborhood who said there was ground for dissatisfaction. Whether that was so, as I say, we do not attempt to say at the present moment. That investigation was ordered and was being proceeded with when this difficulty occurred, which practically—as I think it must appeal to anyone acquainted even with the nature of the ordinary white man, quite apart from the peculiarly subtle character of the Indian—put it quite beyond the power of any inspector who had unfortunately given way to an exhibition of temper, which is charged in this case, to again get the confidence of the men whom he was there to protect; not to protect as against any rights which existed on the part of the agent or anybody else against whom complaints had been made, but to protect in the sense of making a judicial investigation and according to them every opportunity possible to be heard, and to be heard in such a way that they would feel that whatever they had to say that was rightly said would receive careful consideration. Owing to the fact that this difficulty occurred, and that the procedure was certainly not judicial in its character, if I am rightly informed, and that names were called which certainly were not those which would have been ordinarily used by a judge occupying the same position, the witness, of course, found himself shut off. He was not going to present any further testimony to a judge who treated him in that way, and with a natural feeling of affiliation the other witnesses who were present took the same position.

[21] Now, of course, it may be said that that was overcome. We can not feel that that was overcome and we can not feel that the confidence of the Indians has been restored, and I will tell you why the concatenation of events leads us to think so. It may be a perfectly natural sequence and perfectly proper from the point of view of the Department, but it impresses us as being most unfortunate. These charges, you understand, were made without any knowledge on our part, so far as the executive committee is concerned. Mr. Brosius may possibly have heard them, but they were not brought to our attention in any way by a Mrs. Grey. It now transpires that Mrs. Grey has been imprisoned promptly after this investigation has been made. It also transpires that a Mr. Burgess, a resident missionary upon the reservation, who seems to have been a friend of the Indians, is recommended by the inspector to be removed from the reservation, although he has been there for twelve years. As to the propriety of that I have nothing to say. It also transpires that the agent of the Indian Rights' Association, an association which has the peculiar confidence of the Indians, learning of the fact that there were charges of some sort and trusting that he might assist the inspector in bringing some of those facts to light, went to the reservation and was promptly ejected; because while it was not technically an arrest, and while nobody could possibly say there had been any force used beyond that which could be held to be in terrorem, still he was practically told that he must get out.

[22] Now, coupling those facts together, and the fact that the inspector, in the very starting out of the investigation, branded one of the witnesses as a liar, and you have a state of facts which, it seems to me, it must go without saying, results in a feeling on the part of the Indians who have asked for this investigation that they had better have let the thing rest. The woman who had represented herself as their friend, whether rightly or wrongly I do not know, has been put in prison and is now on trial on some charge; the missionary who is their friend is to be ordered off of the reservation if the report is accepted; the agent of the Indian Rights Association, which has stood for their rights and has represented them for many years, is ordered off the reservation and his mouth is closed, and they themselves are told that their one spokesman who was allowed to speak is a liar, and practically they are given to understand that what they had to say was of little consequence. All these things strike us as being such powerful reasons against accepting this as a conclusive thing that we can not help feeling that the inspection, so far from having done anything to dissipate the charges and remove the cloud which has existed, has only darkened it, because it has convinced these Indians, if it has convinced them of anything, that they had better not make any complaints hereafter; that they had better accept whatever the agent does or else they will get into further trouble. Now that, I am very sure, is not the attitude which the Department wants to have the Indians suppose it has taken. I am very sure that this Department means that there shall be entire confidence between its wards and itself; that if they have any reasonable complaint it is to be heard and heard carefully, heard in a [23] judicial spirit and disposed of in a judicial spirit, so that if it is possible—I do not say that it is always possible—any apprehension on their part that they are being illtreated by the agent, that there are conditions existing on the agency which ought not to exist, will be removed, and that they will feel that they have had such a careful, patient, and judicial investigation of their complaint as will justify, not only the Department itself in feeling that there is no ground for complaint, and

not only the Indians who have made the complaint, but the friends of the Indians who have undertaken for the last twenty-five years to stand between them and those who may possibly do them some harm.

It is quite true that the position which the Indian Rights Association has obtained with respect to the Indians is one which we may perhaps say, in view of the written law, has been created by reason of the sufferance of the Indian Bureau; but the fact remains that the sufferance has gone on so long as to become almost an unwritten law. We have had in the course of our existence three agents. So far as I know every one of them has been persona grata with this Department, and so far as it has been brought to the attention of the executive committee no question has ever arisen of a serious character except in a single case; and I must say that what Mr. Leupp tells us to-day is my first information that that right was ever questioned at any time. Perhaps I am not speaking by the book with reference to others, but within my knowledge there has never been a case in which the Department or any agent of the Indian Service has exercised the power, which I grant still remains with the Depart[24]ment to exclude from any agency any one of the three gentlemen who have so acceptably represented us in the field; and I trust that in the future we will have a similar understanding with the Department, that wherever our agent goes in the pursuit of the lawful purposes of the Indian Rights Association, that custom may still continue. I may add this word, that the reason for the law as it is laid down and as it is written in the books, no longer exists as it did at the time the law was made. Of course when we had an Indian tribe in a state of absolute pupilage and in a state of more or less savagery, where they could be incited to insurrection, where you might have an Indian outbreak created by ill-designing people at any moment, it was, of course, a very much more important thing to protect them from outsiders than it is to-day, when a large number of the Indians are citizens of the United States, when the whole purpose of the Department is to enable them to come into full citizenship and the enjoyment of all the rights and all the responsibilities of the white man, and when the only way in which that can possibly be done is by contact with the whites. Therefore I take it that wherever the Department feels that it can with safety permit friends of the Indians to go upon a reservation it would do so, unless there is something in the law which absolutely compels them to enforce it, and that I understand is not the case. As I understand it, the law is one which places it within the power of the Secretary of the Interior to exclude those whom he considers improper persons, but it does not require him to keep off of every reservation every white man who may come there, whatever may be the purpose of his visit. Therefore we ask, so far as the agent of the Indian Rights Association is concerned, and so far as we maintain the purposes and [25] methods which we have heretofore pursued, that the rule which has heretofore prevailed may contiune to prevail and that we may have some authoritative understanding with the Department in that regard.

I do not think it is necessary for me to go into any further details as to the facts in this case; all that I can possibly know, never having been within a thousand miles of the reservation, are the facts which are brought to my attention by other people. The evidence which we can bring before you with respect to the conditions existing there is merely hearsay evidence. The opportunity which our agent might have had of ascertaining the facts at first hand was absolutely cut off. Except for the few people whom he had an opportunity of meeting before he was ordered off the reservation, he has had no chance whatever to gain any facts at first hand, and, therefore, while Mr. Brosius will be glad to answer any questions which may be addressed to him by you, there is really nothing which he can say other than that which he has learned from other people. Of course he has no affidavits from anybody; he has no information which he can lodge with you other than that one fact, about which I believe there is no dispute, as to the unfortunate incident at the very beginning of the investigation.

[26] Mr. LEUPP. Let me present one more thing for correction of the record, as a permanent record is being made. I would not wish Mr. Miller's statement about the President to go in without a question as to the inference that might be drawn from his statement. The President's part in this was not as serious as I think one would infer from his statement. He simply gave to Mrs. Grey what he gave to me. That is something that I had better question the complainant on and see if there is anything there worth looking into. I thought you said something like this: That this was sufficiently serious for the President to think worth investigating.

Mr. MILLER. I said that really upon the Secretary's statement that he had brought this to the attention of the President.

Mr. LEUPP. It was brought to his attention first. I simply did not wish to let it go into the record that Mrs. Grey's statement of the case had been so convincing to the President that there was something wrong that he had made the suggestion to make the investigation.

Mr. MILLER. I would like to disabuse that from the mind of anybody.

[27] Mr. GARFIELD. Now, I think, we had better get right at the meat of the controversy if we may deem it such, and have Mr. Brosius make an exact statement, as he seems to be the man who was out there—the only man, as I understand it, of the Indian Rights' Association on the ground, and the letter from the association is based upon the reports made by him to the association, and you have suggested or stated in your remarks that it would seem very apparent that under those circumstances there might have been a loss of confidence on the part of the Indians. Of course that all depends upon what actually happened. Now I want to get from you (Mr. Miller) or from Mr. Brosius an exact statement as to what happened, as he saw it, and upon what he based his statements to the association, out of which have grown the complaints made regarding the character of the investigation.

Mr. BROSIUS. I understood you to say what happened as he saw it.

Mr. GARFIELD. I do not mean to limit him strictly as to that, but to state what is in his mind. I think there has been evidently some conflict of opinion between Mr. Brosius and Mr. Dalby. I suggest that Mr. Brosius be put under oath, so that he can be cross-examined by Mr. Dalby, and Mr. Dalby by Mr. Brosius. (Mr. Brosius at this [28] point took the oath.)

Mr. BROSIUS. During last June or July of this year from newspaper accounts and other sources I had heard of the trouble on the Crow Agency, Mont., and as is customary in the summer months I proposed taking a trip to the West and thought that I would include Crow Agency in my itinerary; that I did. Some time in advance of reaching the reservation I dropped a note to Rev. J. G. Burgess, the only man that I knew upon the reservation, and I asked him to meet me at Sheridan, Wyo., and he did so. Now, that was the 8th or 9th of July last—by the way, before that he wrote me, at my request, a brief statement of the conditions there as he saw them. He spoke of the council having been broken up and of the action of the inspector, and I thought from that that I would have to be very careful in this case, since there was an inspector on the ground, so that I asked him to meet me outside the reservation as there had been one or two arrests made, or more. I knew Mrs. Grey had been put off the reservation at that time. I met Mr. Burgess, or he rather met me, as I suggested to him, at Sheridan, Wyo. I want to say incidentally, as Mr. Dalby has charged it in his report as rather an underhand method, that I registered at Sheridan, Wyo., as from White Cloud, Kans.

[29] I usually take that precaution in visiting near Indian reservations. If you let it be known that you are from Washington the question is asked: "Well, what business has this man here?" And so they will make inquiry and you can get very little information. That I merely throw in by way of explanation. After talking over the matter with Rev. Mr. Burgess I asked him to see if he could not have some Indians come out and meet me outside the reservation. I told him it was a serious matter, and I wanted to get some facts from the Indians before going into the reservation. He said he would tell Joe Cooper and some others, which he did. I went over to Parkman, Wyo., on the Burlington Railroad between Sheridan, Wyo., and the Crow Agency, and said that the reservation Indians and those who were to converse with me were to come there. I went there on the morning of July 11, the day before I entered the reservation, and when I reached Parkman (I went there early in the morning) the Indians had not had the opportunity of getting there. I went to the only hotel there and found Mrs. Grey was registered there. I did not know she was there or that she was in the country. Mr. Burgess did not seem to know why she was there and thought she had gone away. She was there and I talked over the situation with her. I was very glad to see her, because I could get more information of the conditions as she saw them. Most of the day I put in talking with Mrs. Grey and in the evening Joe Cooper and some three or four other Indians arrived. That evening and the next day I put in most of my time talking over the general situation with Joe Cooper. There were two or three [30] more there, one an intermarried white man (I forget his name now), and one Indian from the agency. They asked me what I thought of the condition of things. I told them I thought it was very serious, that I did not know what I could do, that there was an inspector on the ground. So that night I went back to Billings. I think on the next evening I came down to the Crow Agency. I got off the train at that station. The only man I knew at the agency, or thought I knew, was the Reverend Mr. Burgess, and I would go down to his house and stay, as I expected to go on that night because that was only an initial visit, and if I saw that I would probably be given an opportunity of getting any information I could come back.

On alighting at the station I met an Indian that I had seen outside the day before (he was an old soldier) and he came up to me and shook hands and asked where I was going. I told him I was going over to Mr. Burgess'. "Well," he said, "I will walk over with you." He remained about ten minutes at Mr. Burgess' house and went on. About 9.30 Mr. Burgess had to go away. He had no knowledge of my coming and had an

appointment with some church workers. About 9.30, while talking with Mr. Burgess, there came a rap at the door. It was opened by Mrs. Burgess, and the chief of police, Big Medicine, walked in, with the assistant clerk, whose name was Frank Shiveley. The usual introductions followed and they were of course very glad to see me or so they said at least, and I told them frankly what I was there for. They left in ten or fifteen or twenty minutes, probably fifteen minutes, [31] and about 10.30 at night came another knock at the door and the Indian agent came in accompanied by this same Frank Shiveley. I was finally introduced to him. I thought the matter was getting interesting as I had never been called upon before by the Indian police. The Indian agent said, "I have a note for you, from Inspector Dalby." I read it, and the inspector wrote me in this way:

"Mr. BROSIUS: I understand you are here on some business connected with these Indians and I would be glad to see you at my room at the hotel, and the agent will accompany you over." I told the agent that I wanted to have a little visit that evening with Mr. Burgess, that he was going out, and if I went over I would have very little time. In about five minutes I said I would go and that I could return soon and have a little visit with Mr. Burgess after I returned. On the way up to the hotel, about half a mile, I passed an Indian policeman and he had his horse's head at right angles to the boardwalk that the agent and I were walking on to the hotel. The agent saluted him, "How do you do, Smoky,"and I imagine that the agency's surroundings are not policed in that manner.

[32] I might say that, having been informed by the young man who took me from the station down to Mr. Burgess's house, that I was greeted by an unusually large amount of mounted police, this rather set me to thinking. Possibly three minutes after passing the police, we were in the hotel.

I went up to the inspector's room and I was introduced to him, and he greeted me with about the same that he told me in the note; that he wanted to know what my errand was. I told him that on that particular evening I wished to call upon Mr. Burgess, and expected to go out that night. The inspector said, "Do you know, Mr. Brosius, you have no right on this reservation? Do you know you have no right here unless you have a special permit from the Secretary of the Interior or the Commissioner of Indian Affairs, and I have heard of no such permit having been granted to you." Those were the words, just as I recall them. I told him I was there that evening especially to call upon Mr. Burgess; that I knew I had no right upon an Indian reservation; that if the party in authority chose to remove me, that I was subject to that authority on an Indian reservation, but that I had been agent of the Indian Rights' Association for nine years and had never had occasion to get a special permit. I may have had a permit some years ago, but Mr. Leupp would know about that. Then that was practically a notice to me that I would not be given any privileges on the reservation; that showed his attitude, and then he commenced to ask me questions, and among other things he asked me if I had seen [33] Mrs. Grey. I said, "Yes; I saw her." "Where did you see her," he asked. I saw at once what his questions were going to lead to; he was not going to allow me to obtain any information from the Indians. He asked me a half dozen questions along that line, but I told him I did not care to answer them; that my visit on that particular evening was for the purpose of visiting Reverend Mr. Burgess and, having in my mind that he had informed me that I had no right on the reservation, I saw that I would be precluded from getting any information. "Now," he said, "if you have anything on your mind regarding this investigation, I want to inform you that I have been here six weeks or more getting information regarding conditions here and could tell you in a very few minutes what you would likely want to know." I said, "Mr. Dalby, what might require you a very few minutes to tell me might take me two or three weeks to satisfy myself on." I stopped there, and there was no use going into the situation any further. I will leave that to the good judgment of those present that from what he had said to me, I would be precluded from getting any information; I thought that would be the natural judgment, and it is the conclusion I would draw from his remarks.

There was very little more said. He asked me if I had seen the Rev. Mr. Burgess; I told him that I had not. Then I was going to say (I recall this because I spoke to Mrs. Burgess about it afterwards), "I have not seen him at his home for five years now." I speak of this because Mr. Dalby in his report says that Mr. Brosius said [34] "he had not seen him for five years;" it should have been "not seen him at his home for five years."

I thought I would not give him any information since he told me I had no right there, and I could see that I would not have the freedom of the reservation to see what knowledge I could get from the Indians.

I want to impress the fact upon you that he had told me I did not have any right on the reservation after the first salutation, in which I had told him that I came to the

reservation especially to visit Mr. Burgess on that evening. Just after the opening remark, as I said before, he came right back at me, "Do you know you have no right on this reservation," etc. So I knew I was precluded from getting any information. Those were the principal things said at that interview. Mr. Dalby, the Indian agent, and I were in the room alone. I made some motion to go and said I wanted to see Mr. Burgess before it was too late in the evening;, that I expected him to leave that night. The agent here spoke up for the first time and said: "Mr. Brosius, I will be glad to have you stay over and go with us, with a friend I have coming in to-morrow; we are going to visit the Custer monument and battlefield; I will be glad to have you stay over to-morrow," and I think possibly Mr. Dalby joined in with him after that, but I don't recollect. The agent asked me that I go with him. I said I had seen the Custer monument some five years ago, and didn't care to tarry longer.

[35] I want to say that during that whole interview no intimation was given that I might see a single Indian to get his version of the conditions on the reservation. On this visit that they asked me to make the next day they did not indicate that I could talk with a single Indian; I was to be their guest.

I made a second move to go, and the agent moved to go out to get a lantern. They insisted upon their going with me. I insisted that I was quite willing and ready to go by myself. I had brought a lantern up from Mr. Burgess's house and would have the lantern on the way down. I did not understand quite, at the moment, why they were so persistent in accompanying me home, but I thought it was revealed in something that occurred a few minutes after. As the agent went out of the room to get a lantern I heard horses' feet stamping on the street below. Mr. Dalby turned sharply around to the agent and said, "What, are those men down there yet?" The agent said, "Yes." Mr. Dalby said, "Tell those fellows they need not mind about that matter."

I had been met by mounted police, then by the chief of police and the assistant clerk, and there were the sounds of stamping of horses' feet on the street, and altogether it seemed that I was under duress. I had been received or welcomed at the station by a larger delegation than usual of mounted police. Then, after going down to Mr. Burgess's house, the chief of police and the assistant clerk called upon me to see what my movements were going to be. They were friendly, but we all understood they were [36] there to discover what I expected to do. Later on the Indian agent called with the note from the inspector asking me, in very blunt terms, to call upon him at his room at the hotel, and on the way up we passed the policeman, who was cordially greeted by the Indian agent accompanying me, showing no surprise that he was there; and being told that I had no right there unless I had a special permit, and then the stamping of horses' feet and the inspector's inquiry of the agent to know if those men were there yet, etc., shows that I was there practically under duress, and that I would get no privileges from the inspector or from the agency authorities, and that they would prevent my getting any information on the reservation. I want to say, further, that I think the reason they insisted upon accompanying me back to the house was that they had given strict orders, I surmise, to the policeman that if he saw me conversing with a single Indian to arrest me. They did not want that to fail after they had tried to coerce me into telling them all of the information I had while in their presence. I can see why that was done, why they insisted so earnestly upon accompanying me back to the missionary's house. So much, Mr. Secretary, for a relation of my visit to the agency.

I want to talk very briefly on two or three matters that were called to my attention that, I think, could be proven by proper evidence; that is, the efforts of the Indians to get a fair hearing in this case. In the beginning Mrs. Grey went to the reservation. We understand that. She, I think, possibly through her suggest[37]ions to the Indians, with a delegation of Indians, visited Washington to present their grievances personally.

The SECRETARY. From whom did you get that information?

Mr. BROSIUS. From the Indians. Mrs. Grey, possibly; but I got it from the Indians.

The SECRETARY. When did you get this information?

Mr. BROSIUS. I got this information at Parkham, from Joe Cooper and the other Indians, and I got it generally from the Reverend Mr. Burgess also, but this is, of course, only hearsay, from the simple fact that he did not know of this delegation.

[38] It was only hearsay to him. But I have no doubt that that can be proven. I feel very positive about it. I want to relate briefly, however, the circumstances that occurred during the effort of the Indians to secure a hearing at Washington. The Indians had raised money sufficient to come. They were on the train. Mrs. Grey was with them, as I understand.

The SECRETARY. When did this occur?

Mr. BROSIUS. This occurred in March, I think, of 1907. I am under the impression that Mrs. Grey had not been to Washington at that time, but she may have been there before that. That does not matter. Anyway the delegation had arranged to come. They had funds in their pocket sufficient to pay their own expenses. They

the tr 1. They were going from the agency over to Sheridan, Wyo. The tl heard of their plan to present their grievances, and I am informed, believe it to be the case and believe it can be substantiated, that he ly by telephone, some of the officers in the reservation to intercept on. They were intercepted; I understand they were placed under st on the train. They were taken off the train at Sheridan, Wyo., outside ion and outside the State. At Sheridan, Wyo., the officers of the res- ervation, acting under the authority of the agent, secured additional help, possibly the marshal of the town, which could very easily be done, and they had a sort hearing. I do not know what the charges were against them, but there was evi- ntly some trumped-up charge, possibly that they were leaving the reservation with- the agent's consent. Before they were placed in jail Joe Cooper demanded that know what the charges were against him and that he have somebody to protect his rests. His appeals were overlooked and turned down and they were put in jail night. This was outside the reservation and outside the State. The next day officers of the reservation, acting under the agent, brought them back to the reser- vation, where they were kept in jail for two or three days and were only released upon the earnest petition, a sort of threat, possibly, from Mrs. Grey that she would pose the matter right then unless they were released. Their money was taken m them by officers acting under the authority of the agent. That money was erwards returned.

The SECRETARY. Did you get this information from Mrs. Grey?

Mr. BROSIUS. I got it from the Indians themselves—from Joe Cooper. Joe Cooper was one of them. There were three or four. Joe Cooper is a citizen of the United States. He voted for McKinley, he tells [40] me, so Mr. Reynolds can not plead rance that Joe Cooper was a citizen of the United States. He knew he was a en.

llowing that, a month or two after the inspector got there, Joe Cooper was seen ing out of the Reverend Mr. Burgess's house, and the agent hailed him. Joe per tells me this. He said: "I hear that you have been talking about me again." I do not know what reply Joe made—some evasive answer, possibly—but he called to Big Medicine, the policeman, and said "put that man in jail." He stayed there possibly four weeks or thirty days. That was exactly three months after they were thrown in jail at Sheridan, Wyo., after their arrest by officers of the reservation acting under Agent Reynolds.

Those are not the only instances that I charge in my general charge against the conduct or condition of that reservation, and of Inspector Dalby's conduct. I charge this, however, against the agent, that if an Indian there raises his hand in justification or plea for justice he is oftentimes thrown into jail, or liable to be.

[41] The SECRETARY. Upon what do you base that?

Mr. BROSIUS. I base that upon the general statements that the Indians have made to me:

The SECRETARY. Are these statements that you now make based upon information that you have received from any Indians other than those whom you met at Mr. Burgess's house on the evening that you refer to at Sheridan?

Mr. BROSIUS. Mr. Burgess's house is on the reservation. I met the Indians outside the reservation.

The SECRETARY. At Sheridan?

Mr. BROSIUS. At Parkman, Wyo.

The SECRETARY. And that is the only conference you had with the Indians?

Mr. BROSIUS. That is the only conference I had with the Indians, excepting with the one Indian that met me at the station and walked down with me to Mr. Burgess's house, and that was a very short conference, of course. I did not go into [42] the general conditions in that case; there wasn't time. That was a young man who had been, as I say, in the Philippine war, but I have no doubt but what I can prove these statements.

Furthermore, there is a case of an Indian having refused, when brought up before Agent Reynolds, to sign a blank voucher for pay that he was entitled to, and which he was to receive through the agent, a disbursing officer of the Government; he refused to sign that blank voucher, and the agent put him in jail for thirty days.

The SECRETARY. From whom did you get that information?

Mr. BROSIUS. I got that information from the same source that I spoke of; I believe it can be proven. There is no doubt about it in my mind, and I will leave it—possibly I am unwise in that, from the present situation here—but I was going to say——

The SECRETARY. What do you mean by "the present situation here?"

Mr. BROSIUS. I mean by that that Mr. Leupp has criticised me for making rather strong statements that I could not prove, and I was going to say that I would leave *that with* Mr. Leupp, for the reason that where I have made a statement that I believe *I can prove so* and so and am very strongly convinced of it. [43] I think he has gen-

erally found that there is some foundation of truth in it. I do not pretend that every statement I may make regarding an Indian agency can be proven, but I want to say here incidentally that in my charges which I made against the Crow Indian management I thought I had better include things for which there seemed to be some foundation of truth; I may not be able to prove them upon investigation, just as I told Mr. Leupp; but I followed my usual course in the case, the course that I have followed for nine years. I don't think Mr. Leupp has given me any special privileges in this. I followed the same course under Commissioner Jones for seven years; I wanted to bring them all up so thay might be investigated. I knew that some of these matters had probably been gone over by Inspector Dalby, but, taking the position that he was never to have the confidence of these Indians, I wanted to bring out the whole situation again; that was why I made a charge consisting of nine typewritten pages.

Mr. MILLER. Mr. Brosius, I understand that, apart from the information you got directly from these Indians, you have no personal knowledge of the conditions existing there?

Mr. BROSIUS. No, I have not.

Mr. MILLER. And that information, of course, is based upon the statements [44] that you were able to get during the very short time you had of getting in any sort of contact with them?

Mr. BROSIUS. Yes; of course I was leading down to this council with the Indians. That has been spoken of, but I thought I would go into that somewhat in detail just from the statements made, which I think can be verified. As I said to Mr. Leupp in a subsequent letter, I have no affidavits but I believe it can be substantiated by possibly fifty people who were within hearing who understand the English language.

They met in this council. The Indians, I understand, were refused the opportunity of having their own stenographer. They offered to pay for the stenographer; Mr. Dalby refused them. They did not have just the interpreter that they wished. This council was in a tent. They went into the meeting and some question of cattle trespass came up; some Indian was being interrogated, and Joe Cooper spoke up; he was president of the Crow Indian lodge, by the way, and he was a representative speaker for the Indians; that ought to be understood. He suggested that he had seen cattle in a certain place. The inspector asked him in his rather sharp way—according to the Indians he was rather fierce in his manner of speaking—"How many were there?" Joe said: "I don't know; that is what I want to know; I didn't count them." That would be a natural answer for anyone to make. Then the inspector flew at him. He shook his fist under his nose and said, "You are [45] a God damn liar."

The SECRETARY. This is the statement made to you by Joe Cooper?

Mr. BROSIUS. By Joe Cooper, and it can be corrroborated—either that language or something similar to that. He may have said "You are a liar," and then put in the oath, but if the statements do not agree it will only show that something of the kind did occur. In a statement of facts you can seldom get two witnesses to tell the same story, word for word.

Joe Cooper was rather nonplussed at first, but recovered himself and said: "I will not answer your question; I took you for a gentlemen." Then the inspector said: "You get out of this tent." Joe said, "Yes, sir; I will get out." Joe is rather a polite fellow; in speaking to me he would say "Yes, sir." He says, "Yes, sir; I will get out," but old Plenty Coos spoke up and says, "If he goes, we will go too." That broke up the council. The inspector went out afterwards and begged them to come back, and Joe Cooper went back; then Plenty Coos lectured them. He said, "This is the kind of man they send from Washington; we have no confidence in this man." He mocked him, by the way, and went through the wild gesticulations the inspector had gone through, gesticulating with his head and his arms; and finally he turned around to the inspector. This is what has been told to me, and I believe it can be substantiated——

[46] The SECRETARY. I want you always to let me know who told you these things.

Mr. BROSIUS. This was Joe Cooper, and Mrs. Grey had gone over this same thing. She may not agree in just the phraseology of the oath that was used.

Mr. MILLER. Who told you these facts which took place at the council?

Mr. BROSIUS. Joe Cooper was the main Indian witness.

Mr. MILLER. Did any of the other Indians tell you that?

Mr. BROSIUS. I was talking to one or two other Indians; I can not recall which ones.

Mr. MILLER. Did they corroborate Joe Cooper or acquiesce in what he said?

Mr. BROSIUS. Yes, they did. I have no doubt in the world but what I can secure evidence to positively prove that condition of things; I would almost wager my reputation, if I had any left with the Commissioner, and I hope I have some reputation left with him. [Laughter.]

[47] The SECRETARY. Now, Mr. Brosius, what I want to get at is not what you think you can prove, but your reasons for believing that you can prove the statements which you make.

Mr. BROSIUS. Yes, sir. These are the reasons. I got the statements from Joe Cooper; he was the man sworn at; he told me of one Indian who was then within 6 feet of him, and of course there must have been—this is my judgment—out of the council consisting of anywhere from 100 to 200 possibly 50 that could understand the English language; I haven't any doubt, Mr. Secretary, but what that can be shown positively to be a fact. I haven't the evidence; as I say; I have been prevented in a measure from getting it. I saw that I would have no opportunity to get information within the reservation and I did not follow it up. I think that I assumed too much that I had a reputation with the Commissioner, and that if I should make a statement like that and claim that I could prove it there would be another investigation and I would be given the privilege of proving it. I have followed that course in some other cases, but in this case, so far, it seems that I am called upon to substantiate my statements by affidavits, that I have not done.

Mr. MILLER. When did you leave the reservation?

Mr. BROSIUS. That was on July 13.

[48] Mr. MILLER. The following morning.

Mr. BROSIUS. In the early morning, about 2 o'clock; I left on the next train.

Mr. MILLER. And did not return there?

Mr. BROSIUS. No, I saw there was no need of returning.

I was at the point in this narration where Plenty Coos turned round to the inspector and said: "We have lost confidence in you; whenever you get ready you can return to Washington. We will have nothing more to do with you. Whenever the Government can send a proper man out here that we can talk to reasonably, we will talk with him." The inspector said he had been engaged in the investigation of the steel trust and other important matters, and that the President regarded him as a very good man and finally said, "Well, I will conduct this investigation myself." "All right," Plenty Coos says, "you go over to the agency and conduct the investigation." Of course that was irony or sarcasm; because it was the agency people that the Indians had been complaining of; of course the inspector could go over there. Then he said to Plenty Coos—that is, Inspector Dalby—"I will come up and see you where you live." This was 60 or 70 miles away. [49] "All right," Plenty Coos says, "glad to see you up there, but we will talk nothing about this investigation, or about our troubles."

There was a camp Indian who, after the inspector had used the oath in the manner he did, rebuked him and said, "Do you believe in a God?" He said, "We are taught differently; we are taught not to use the language you are using here." I thought that was quite a good rebuke, coming from a camp Indian.

Now, of course, that is all hearsay, but I firmly believe I can prove it by investigation.

[50] Following that was my own reception at the agency.

So here we have the three efforts of the Indians: First, their effort to reach Washington in a delegation. Their agent arrested them unlawfully. An Indian agent has no more right to arrest an Indian in his travels than he would have to arrest me. That is the law, I think, determined in 1879 in the case of Swift Bird (possibly) against General Crook, of the United States Army. It was decided by Judge Dudley, of Omaha, that an Indian is a person, entitled to freedom of action, entitled to life, liberty, and the pursuit of happiness, as well as any citizen of the State. If I am wrong I would like very much to be informed what the law is.

So these Indians were unjustly deprived of their liberty, unjustly imprisoned outside the reservation, unjustly brought back to the reservation by the agent, and there again unjustly imprisoned and their money taken from them. Their effort to reach Washington and get a hearing before your Department and before the President was frustrated. Next came the council proceedings, which the inspector broke up by swearing at them, calling their main speaker a liar and then ordering him out of the tent. That practically broke up the council. Finally, we have the treatment that he accorded me. That is my statement.

The SECRETARY. Are there any questions that you would like to bring out, Mr. Miller?

Mr. MILLER. I think Mr. Brosius has stated fully all the facts as we know them with respect to what transpired there.

[51] Mr. BINNEY. I think so.

The SECRETARY. Mr. Leupp, is there any question that you would like to ask Mr. Brosius?

Mr. LEUPP. I have nothing to say.

The SECRETARY. Mr. Dalby, are there any questions that you want to ask?

Mr. DALBY. I should like to have the privilege of cross-examining Mr. Brosius, but I presume you will want to hear my statement first.

The SECRETARY. You can do just as you wish about that.

Mr. BROSIUS. I would rather you would cross-examine me now, since I have just spoken.

The SECRETARY. Very good. There is just one question, Mr. Brosius. You refer to a letter which you had from Mr. Burgess before you went out there.

Mr. BROSIUS. Yes.

The SECRETARY. Have you that letter here?

Mr. BROSIUS. No; I have not. That was a private letter, anyway. But I have told you frankly what he said. He spoke especially of the council proceedings that had been broken up. Of course that was only hearsay on his part, so it is no evidence whatever.

Mr. DALBY. In your statement you say that you heard from newspaper accounts and other sources of the trouble on the Crow Agency. Will you state what those other sources were?

Mr. BROSIUS. I heard it from the newspapers and I heard it, as [52] I say, from Mr. Burgess, and I stopped in Billings and made some little inquiry there. I went to Mr. McCullough's house. By the way, I did not see Mr. McCullough, and never had heard Mr. McCullough's name before; I just happened to go there. I thought that the people, especially a minister, in Billings, would probably know something of the conditions down there. I did not see Mr. McCullough at that time, but I saw a lady in the house who had formerly lived on the reservation. She was very cautious what she said, but said there had been a good deal of trouble down there, and she had heard about this council.

Mr. DALBY. Who was that lady?

Mr. BROSIUS. I do not know her name. She was formerly an employee. She did tell me her name, but I do not remember it. She lived there in the house.

Mr. DALBY. Then you heard from Mr. Burgess before you wrote to him?

Mr. BROSIUS. Yes, before I wrote him to meet me at Sheridan.

Mr. DALBY. Did Mr. Burgess suggest your going to the reservation?

Mr. BROSIUS. I think he did. He said the Indians wanted to see me.

Mr. DALBY. That was a letter from Mr. Burgess to you?

Mr. BROSIUS. Yes; that is my recollection of it.

Mr. DALBY. I presume you have that letter and can produce it?

Mr. BROSIUS. Well, I say that was a personal letter and I do not know just all that it contains.

Mr. DALBY. Mr. Secretary, I would like to have that letter produced for other purposes aside from the purpose in this case. [53] I will explain that later; but Mr. Brosius has referred to a letter which is material in the case of Mr. Burgess, and in the interest of the Department I would like to have that letter produced.

Mr. MILLER. Mr. Secretary, I do not think that we ought—except in the exercise of your discretion, of course—to involve in this question any matter touching the investigation of other people. Mr. Burgess may or may not be the proper man to occupy the position he does, but I do not think we ought to be put in the position of furnishing evidence which, in the opinion of the Department, will justify his removal

The SECRETARY. I do not understand that that is the suggestion of Mr. Dalby.

Mr. MILLER. Mr. Dalby said that he wanted it for another purpose.

The SECRETARY. Do you mean a purpose outside of this investigation?

Mr. DALBY. The reason I did not explain it fully was because I did not want to bring in other matters; but I want to put in the record that I want that letter not merely in this connection, but in the other also. I will explain that if you think best.

The SECRETARY. I want every bit of evidence which will tend to show what the facts were about this matter and the source of the information upon which Mr. Brosius has made his statements here.

Mrs. MARKOE. But not about other matters, Mr. Secretary?

Mr. BROSIUS. I did not rely upon the statements of Mr. Burgess. I knew the conditions; he told me the conditions under which he was charged by Mr. Dalby.

[54] Mr. MILLER. I think it would be rather unfair for us to be furnishing letters which might incriminate Mr. Burgess as to other things. Mr. Burgess is only referred to as being the source of the original suggestion that he should come to the reservation, and I hardly feel that it is right to put us in the position of furnishing letters which might possibly incriminate Mr. Burgess. I do not presume that they would, but evidently Mr. Dalby thinks so.

The SECRETARY. Have you any objection to allowing me to see that letter?

Mr. BROSIUS. I am not sure. It is private correspondence. I will consider that matter. But all along my main reliance was upon these Indians. I always based

my investigations upon statements made by Indians. They might be corroborated by outsiders. And I have also stated that any statements which Mr. Burgess might have made were only on hearsay.

The SECRETARY. His statement evidently has weight with you, Mr. Brosius, and it strikes me that it would be a proper thing to allow me to see the letter. Of course you understand I have no authority to compel the production of any papers. All I want is to get the facts in this proceeding, so that we will know exactly upon what you have based the opinion which you have expressed this morning.

Mr. LEUPP. Mr. Secretary, in respect to Mr. Miller's reference to Mr. Burgess, was not the first mention of Mr. Burgess's name in this whole hearing made by one or the other of the speakers of [55] the Indian Rights' Association? Was not that brought in as one of the evidences of Mr. Dalby's swinging way of disposing of this thing?

Mrs. MARKOE. Mr. Secretary, may I ask a question?

The SECRETARY. Certainly.

Mrs. MARKOE. Would it be proper, when we are investigating only the Indian question, to give a letter to Mr. Dalby for any other purpose than the Indian question?

The SECRETARY. It is not a question of giving it to Mr. Dalby.

Mrs. MARKOE. I thought Mr. Dalby asked for it for another purpose.

The SECRETARY. He stated what his reasons were for asking for the letter. But the letter would be presented to me, not to Mr. Dalby; and as the statements made by Mr. Burgess seem to have been the basis of much that Mr. Brosius has himself believed, it seems to me that it would be of much aid to me to know exactly what the statements of Mr. Burgess were upon which Mr. Brosius bases his statements.

[56] Mr. BROSIUS. I would like to correct your impression somewhat. I do not think I said—I certainly did not mean to infer—that the statements of Mr. Burgess were largely the basis of my statement. I meant to say, and I think I did say, that I always made it a point to interview the Indians and rely upon their statements, and to discover from other people how reliable they were. Sometimes these statements come from Indians who are not very reliable.

Mr. MILLER. I think Mr. Brosius stated he got the suggestion from Mr. Burgess, but that he did not rely upon Mr. Burgess's statements, because they were mere hearsay.

Mr. BINNEY. As I understand it, Mr. Secretary, it is Mr. Brosius's custom to go out West every summer and to go to any reservations where he has heard that something is going on which he thinks ought to be looked into by an independent body outside of the Government; that in this case he saw certain statements in the newspapers in regard to this matter and incidentally he had a letter from Mr. Burgess giving hearsay statements on the same point. But, as I understand it, what he had seen in the newspapers was quite sufficient to direct his mind to the advisability of going there.

The SECRETARY. Well, I shall leave it this way; from what has been stated here I will ask you to let me see the letter. You can do as you please about it.

[57] Mr. BROSIUS. I want to say this: That in my work as agent of the association I have usually made it a point with people that if they would give me any confidential information I would protect them as my informers. I have frequently been able to unearth rascality on a reservation by promising my informer that he would be protected. Those informers are frequently connected with the Department, and yet they know, or if they feel that they know, that if they give out information and it becomes known to the agent (and it is often the policy of the Department to send information to the agent himself) the first man or woman to suffer is the informer himself. And so I have been able, by promising to shield these people and not to give out their names as my informants, to get information. So that you see it would be unwise for me to give up that information and unjust to the parties themselves for anyone to insist that I give it up. I will be cut off from one very large source of information if it is discovered by the rules of evidence that I can not prevent their names from coming up. I will appeal to your reasonable view as to that.

The SECRETARY. That proposition is quite a different one from submitting to me any information upon which you have based your opinion. If we are to work together in any examination, we must be perfectly frank with one another. I do not ask you to accept my opinion of what some one has said. If I wish to impress upon you that my opinion is based upon facts; if I am dealing with you [58] in a confidential way for the purpose of getting the truth, you should not hesitate to give me the facts, and I would not hesitate to give you the facts upon which I base my opinion.

Mr. BINNEY. I wish to say that I presume that this letter which has been referred to has not been seen by anyone here present except Mr. Brosius. So far as I am aware, I have never seen the letter or a copy of it.

Mr. BINNEY. Mr. Secretary, your request will undoubtedly be considered.

Mr. MILLER. I understand the Secretary means it would be for your personal perusal, not to be used in any way in any adverse proceeding against Mr. Burgess or to furnish

the basis upon which Mr. Dalby can make further charges against Mr. Brosius. I do not think we ought to be put in the position of furnishing evidence against a man who is now under inquiry by Mr. Dalby, as an incidental part of the investigation.

The SECRETARY. What I am seeking are the facts, not for the purpose of proving or disproving any charge, and the letter to which reference has been made may or may not throw light upon this controverted point. If I see it, I can tell; if I do not see it, I do not know what is in it.

Mr. MILLER. I wish to say personally that in my judgment it ought to be exhibited to you.

The SECRETARY. You may proceed, Mr. Dalby.

Mr. DALBY (addressing Mr. Brosius). Do you remember the ap[59]proximate date of that letter?

Mr. BROSIUS. I do not know the date.

Mr. DALBY. Anyway, it was written to you before you wrote to Mr. Burgess.

Mr. BROSIUS. No; I wrote to Mr. Burgess.

Mr. DALBY. You say that was one source of information from which you heard of the trouble, * * *

Mr. BROSIUS. I saw a newspaper account of Mrs. Grey's arrest. I knew Mr. Burgess was on that reservation and wrote to him.

Mr. DALBY. You wrote to him first?

Mr. BROSIUS. Yes; I asked him to give me a statement.

Mr. DALBY. He was not a source of your information independent of the newspapers? You referred to other independent sources. What other sources were there?

Mr. BROSIUS. I was connecting that when I spoke of Mr. Burgess as one of the sources. He was one source. I saw accounts in the newspapers.

Mr. DALBY. Did you have letters from any others independent from Mr. Burgess?

Mr. BROSIUS. I do not know of any.

Mr. DALBY. Did you get any letter from Mrs. Grey?

Mr. BROSIUS. No; I never heard from her at any time up to this time.

Mr. DALBY. When you saw Mr. Burgess at Sheridan you say he [60] promised to send you Joe Cooper and some of the other Indians?

Mr. BROSIUS. I said he would try to get them. It was at my request.

Mr. DALBY. What other Indians did Mr. Burgess send you?

Mr. BROSIUS. He did not know whom he could get. He got three or four of them.

Mr. DALBY. Joe Cooper came to Parkman at Mr. Burgess's suggestion and at your request?

Mr. BROSIUS. At my request; yes, sir.

Mr. DALBY. You referred to an intermarried white man. What was his name?

Mr. BROSIUS. I remember his name now; it was Doyle. He told me about his trouble with the agent. The agent had him arrested for selling whisky. He said the agent did not like him, and got him into all sorts of trouble. I saw then that he was just such a man as most every white man on a reservation, and he was arrested for bringing whisky on the reservation. He said that everybody else got whisky for their own personal use, but he was singled out and punished because the agent did not like him. I get information from people that are subject to persecution and possibly justly to prosecution by the Government at some times.

Mr. DALBY. In the letter which has been referred to this statement is made: "shortly afterwards, when the inspector was still at the agency, the agent of this association, Mr. S. M. Brosius, [61] whose attention had been called to the alleged abuses, arrived at the agency in order to give such assistance as was in his power to the Government and ascertain the truth as to the conditions existing on the reservation." How did you propose to give that assistance?

Mr. BROSIUS. I was going to follow my usual plan in that case of getting information from the Indians, and if I could find any information that seemed to be reliable I would report it to the Government, as I told you in our interview that I would follow my usual course in this case. But if I had found you agreeable and willing to listen to me and hear the evidence, if you had not approached me in the way you did, I would undoubtedly have felt friendly, but I could not do it under the circumstances. I related the conditions as related to me irrespective of your presence there.

Mr. DALBY. Further, in that letter this language occurs: "But he (meaning the inspector) rejected the assistance of the accredited agent of the Indian Rights' Association whose independent sources of information would have been valuable." What assistance did you offer me?

Mr. BROSIUS. I did not offer any after the first greeting.

Mr. DALBY. Did you offer any at any time?

Mr. BROSIUS. I do not think I did. It was, as I say, it had been the custom, it had been my privilege, to do so and cooperate.

The SECRETARY. Mr. Dalby, what letter are you reading from?

[62] Mr. DALBY. The letter of October 9, 1907, from the committee.

Mr. BROSIUS. I would not have framed it just that way.

Mr. DALBY. Did I reject any assistance from you?

Mr. BROSIUS. You told me just as I related here, you made the practical threat that prevented me from securing any information—just the words that I have used in my statement. You said, "Do you know, Mr. Brosius, you have no right on this reservation? You have no right here unless you have a special permit from the Secretary or the Commissioner, and I have received no notice of any such permit."

Mr. MILLER. I think that ought to make it plain that Mr. Brosius had nothing to do with the writing of that letter. Mr. Brosius was in Washington, and the letter was written in Philadelphia and sent direct to Mr. Leupp.

Mr. DALBY. I will ask Mr. Brosius the question which I should have asked first. Does this language correctly state the information which you gave to the committee—the language which I have read here?

Mr. BROSIUS. Well, I suppose it does. I have stated to the committee just as I have stated here. I think that I would heartily agree with that statement if the quotation is proper.

(Mr. Brosius here read in part from the letter of the committee dated October 9, 1907[a]): "Owing to an unfortunate lack of restraint on the part of the inspector at his first meeting with the Indians in council, the [63] latter was alienated and offended"—I agree with that. "Shortly afterwards, while the inspector was still at the agency the agent of this association, Mr. S. M. Brosius, whose attention had also been called to the alleged abuses, arrived at the agency in order to give such assistance as was in his power to the Government in ascertaining the truth as to the conditions existing on the reservation"—that I agree with. "On the present occasion, however, Mr. Dalby expressed to Mr. Brosius in no uncertain terms his displeasure at Mr. Brosius's presence and his intention of removing him if he failed to depart voluntarily"—that I agree with. "The inspector was therefore deprived by his own action, not only of the opportunity of communicating with the Indians on terms which would enable him to receive frank testimony, but he also rejected the assistance of the accredited agent of the Indian Rights Association, whose independent sources of information would have been valuable"—that I agree with. I think that is clear, you deprived yourself by telling me I had no right there. I could justly infer from your remarks that I would be removed.

Mr. DALBY. Perhaps argument had better be deferred.

Mr. BROSIUS. You asked me to give my view on this. I will have to go over it.

Mr. DALBY. I wish you to say whether that states correctly the information which you gave the committee.

Mr. BROSIUS. I will say in regard to the rejection of the as[64]sistance you did that by telling me I had no right on the reservation.

Mr. DALBY. I do not care to argue this in this examination. I asked Mr. Brosius to comment on the latter.

Mr. BROSIUS. I think I have met every point there so far as we have gone.

The SECRETARY. Of course it is a very informal proceeding. I have allowed Mr. Dalby and Mr. Brosius to make a great many statements other than strictly formal.

Mr. BROSIUS. I think that statement there that is marked, "He also rejected the assistance of the accredited agent of the association * * *"—I can say that that is the cause, because he told me in the beginning of the conversation, "Do you know, Mr. Brosius, that you have no right on this reservation?" etc.

Mr. DALBY. You have read the whole letter. Is there anything else in it that does not properly express what you told the committee?

Mr. BROSIUS. I have not read the whole letter. Here the statement is made that "We would also inquire whether, as intimated by Mr. Dalby, the presence of the agents of the Indian Rights Association on the Indian reservations is neither desired nor permitted." I should say that the word "desired" might have been left out and the word "permitted" left in. I do not see anything else in the letter.

[65] Mr. DALBY. Did you see that letter before it was forwarded to the Department?

Mr. BROSIUS. I don't recall that I did. I am quite sure I did not; I won't swear to that, though.

Mr. DALBY. You see nothing in the letter that does not correctly report the situation as you understood it except what you have referred to?

Mr. BROSIUS. I see nothing except what I have referred to. There may be other things there; I have not read it over carefully.

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[a] See Exhibit A for copy of entire letter.

Mr. DALBY. When you came to my room at the hotel did I not ask you if you had any matters that you desired to have investigated on the reservation?

Mr. BROSIUS. You said something of that kind, but, just as I have stated in my first statement, you had already told me, very soon after I got there, after the introduction and after you had asked me what my business there was, and I told you that I had come that evening to visit Mr. Burgess. Then you turned directly round to me and said I had no right there.

Mr. DALBY. I can get the information more quickly if you will answer my questions more directly. I asked you whether I did not inquire of you, on your coming to my room, if there was any matter you wanted investigated.

Mr. BROSIUS. You said that, yes; after you told me I had no right there. You asked me that, and, as I said in my main statement, I referred to this very matter, and I then said that I replied to you as will appear in the record.

[66] Mr. DALBY. Was not my first question to you, after the ordinary friendly salutations among gentlemen, whether you had come to the agency for any matter connected with the Indians?

Mr. BROSIUS. Well, that may have been, practically; it was not in those words.

Mr. DALBY. What was your answer to that question?

Mr. BROSIUS. I told you that night that I had come there to call upon Mr. Burgess; this was after you told me I had no right there.

Mr. DALBY. You have stated that several times. Did you say at that time that on this particular occasion, "I came merely for a personal call?"

Mr. BROSIUS. Possibly not in those words. I gave you to understand I had been visiting Indian reservations, that that was not one of my regular visits, and that I would come back.

Mr. DALBY. Did you say that you expected to remain there at that time for any other purpose?

Mr. BROSIUS. Not after you informed me I had no right there.

Mr. DALBY. Did you say when you were going to leave the Crow Reservation?

Mr. BROSIUS. I told you I was going to leave that night.

Mr. DALBY. Voluntarily——

Mr. BROSIUS. Yes, sir.

Mr. DALBY. To my very first question?

Mr. BROSIUS. I don't know that it was.

Mr. DALBY. Did you then say you would return to the reservation?

[67] Mr. BROSIUS. I don't know that I did.

Mr. DALBY. Did you ask whether it would be agreeable to me for you to return?

Mr. BROSIUS. No, sir; I did not. You told me it was not agreeable for me to be there.

Mr. DALBY. Did you tell me what your future movements would be?

Mr. BROSIUS. I told you I would follow my usual course in this case and make a report to the Commissioner.

Mr. DALBY. Did you tell me about your itinerary after that?

Mr. BROSIUS. No; I don't know that I did. I may have said I was going west.

Mr. DALBY. Did you not tell me that you were going to Sheridan that morning for the purpose of getting some mail, and for no other purpose?

Mr. BROSIUS. No, sir.

Mr. DALBY. Did you not tell me that after going for your mail you were going to return through the Crow Reservation, to Billings and then go west, having already a ticket purchased to the west.

Mr. BROSIUS. I said I might later on; there was no doubt about it, because I had the ticket in my pocket.

Mr. DALBY. Did you not say to me that you didn't expect to stop on the Crow reservation?

Mr. BROSIUS. I don't know that I did.

[68] Mr. DALBY. Did you not say to me that you did not expect to talk with any of the Indians again?

Mr. BROSIUS. I don't recall it.

Mr. DALBY. Did I not ask you if you intended to have any further conference with the Indians?

Mr. BROSIUS. I don't recall it.

Mr. DALBY. How many mounted police were there at the station when you arrived?

Mr. BROSIUS. I don't know; I noticed several mounted men, and this young man that walked down with me called my attention to the fact that I had quite a greeting.

Mr. DALBY. Do you remember whether that was Russell White Bear ?

Mr. BROSIUS. Yes; that was the name.

Mr. DALBY. Did he come with you from Billings?

Mr. BROSIUS. No; I met him at the station.

Mr. DALBY. Was he one of the Indians you conferred with at Parkman?

Mr. BROSIUS. Yes, sir; he did not know so much about the conditions.

Mr. DALBY. Who knew most about the conditions?

Mr. BROSIUS. Joe Cooper; I spent most of the time with Joe Cooper and Doyle; he told me some of the conditions.

Mr. DALBY. They are the main authorities?

Mr. BROSIUS. They are the main authorities, but I had seen Mrs. Grey and talked with her first. I did not want to take up her [69] case. She was quite ready to talk, and I always shy clear of characters of that kind if I can; and while I could get information from her, if I had an opportunity of corroborating it elsewhere, it was all right; I take advantage of any source that will help me to secure information. She thought very unkindly of me because I would not interest myself in her case. I told her frankly that I was unable, if I took up her case, to do the Indians any good; and that I did not want to compromise her case with ours; that I had no right, as agent of the association, to affiliate my affairs with hers.

Mr. DALBY. Did I not, Mr. Brosius, that evening, say that I recognized your status as agent of the Indian Rights Association, and that while it was perhaps traveling somewhat out of my officially proper course, I would place at your disposal what information I had in regard to any matter you might ask me about?

Mr. BROSIUS. You said something of that kind. But right in the beginning—I must qualify this now—you told me that I had no right there; I want to repeat that and impress it upon you. I would have no right there and any statement coming from your mouth would have given me your side of the condition of things. I would have no privilege myself of investigating; therefore, I did not care to hear a one-sided story. If I was going to be deprived of the liberty of interviewing Indians on the reservation, I did not want to take simply your statement.

Mr. DALBY. Tell me what your reply was to that?

[70] Mr. BROSIUS. I told you, as I have stated in the preliminary.

Mr. DALBY. What was your reply to that?

Mr. BROSIUS. My reply, as I recall it now, was that I told you I would follow my usual course in this case and make my reports to the Commissioner and Secretary, and you said I had the right to do that.

Mr. DALBY. Did you not say, Mr. Brosius, that it would take a long time to go over these matters, probably several weeks, and that you did not have time to do it, and that you preferred not to have any communication with me unless I chose of my own motion to tell you, in a general way, what I had seen and done?

Mr. BROSIUS. I did not make a statement just as you put it. I said in my preliminary statement here of that transaction that you said, "Now, if there is any information that I can give you, why, I think I would possibly be willing to give it to you." And then I said: "What might require you but a very few minutes to tell me, to inform myself on might require me two or three weeks."

Mr. DALBY. And did I not, upon that, say that you could not do that without the authority of the Department?

Mr. BROSIUS. You told me that before; you said I had no right there. I wish to volunteer this statement. It all hinges upon the fact that I was told I had no right there and did not go back to the reservation.

Mr. DALBY. I don't believe, Mr. Secretary, I care to ask Mr. Brosius any other questions just now.

[71] The SECRETARY. Mr. Brosius, are there any questions that you desire to ask Mr. Dalby upon any points, or do you desire to make any further statement about this?

Mr. BROSIUS. I do not recall anything.

The SECRETARY. We shall proceed now with Mr. Dalby's statement, if agreeable to you.

(Mr. Dalby here took the oath.)

[72] Mr. DALBY. I will take up first the charge which the president has first broached, which is the charge against me for losing my temper and using profanity in what is said to have been a council of the Indians. It was not a council of the Indians, for no councils were held. From the beginning they asked for a council. I steadfastly said that I had not come to treat with them, but to investigate matters of fact, and that a council would be of no benefit.

The way this meeting came about was in this wise: When Mrs. Grey first came on the reservation, on my permission, she came to the agency. There I saw her, Joe Cooper, Alex. Upshaw, and a number of others of her supporters. I explained to them carefully what would be my mode of procedure, saying that I had come to find out the truth, not to espouse either side, either their's or the agent's, and that I wanted them

to tell me the truth, because only the truth could avail them; that there was no use trying to deceive me, because I intended to find out the truth; that was my business. To that statement cordial expressions of approval were given by Mrs. Grey and the others.

About four or five days after that—to be specific, it was the 30th of May—I went to Lodgegrass, where Mrs. Grey, with my permission, had gone for the purpose of conferring with the Indians. There I attended the first large meeting with the Indians; there were probably 50 or 60 present. In the course of that meeting I discovered Mrs. Grey's absolute bad faith; I discovered that she was doing the Indians harm and not good. When I discovered that, I said to the Indians, in Mrs. Grey's presence, "I let Mrs. Grey come in here because I wanted to get at the whole situation, and because I thought that she would help me to [73] bring out everything that you have; I have now discovered that she is not working in your interest; she is working for some purpose of her own; I do not know what; but whatever it is, it is not in your interest; and although I have given you my word that she should present your side—and I shall not withdraw that promise—I advise you as your friend to withdraw your case from Mrs. Grey. I give you my word that I will go into the case without any assistance from her and will find out the truth without any assistance from Mrs. Grey."

I left that meeting without leaving any feeling of unpleasantness on account of anything I had said to the Indians. On the 1st of June I received a telegram, signed "Plenty Coos, Joe Cooper, Alexander Upshaw," inviting me to Lodgegrass. I replied that I would come at once, and I did. That afternoon I met with these men. There were 50 or 60 of them in all, and not 100 or 200, as has been stated. They said they had concluded to act upon my advice and to dismiss Mrs. Grey. They asked me if I would still do as I had promised—work with them in formulating their charges for them and in making the investigation without Mrs. Grey. I said to them: "I made that promise for an immediate acceptance. You did not accept immediately, but I waive that, and I will do what I promised you. I will go ahead with you and find out if there is basis for charges, and then investigate those charges without holding you responsible for them." Then they said: "Mrs. Grey has come here in our interest. We would like to have her go free." I said: "She may; if she has any fear of molestation, I will give her an escort to the border of the reservation, or she may go without it if she wishes." Then they said: "We would like Mrs. Grey to be secure from any future arrest on account of anything she may have [74] done upon the reservation." To that I replied: "I let Mrs. Grey go free now because I do not know whether she has broken the law or not. But, as I said to you all along, anybody that has broken the law and has injured you Indians shall suffer the consequences; and if Mrs. Grey has, she shall." So I refused to give them that promise of immunity for Mrs. Grey.

That having been disposed of, we proceeded at once to the main work, which was the formulating of charges out of what the Indians had to present. I called for the charges, which I supposed they had been working on; for they had had a week then with Mrs. Grey. To my surprise I found that they had done nothing; there was nothing produced further than the general and more or less jumbled statement that Mrs. Grey had made here. They said: "We have gone over that, and we found that Mrs. Grey was not going to formulate any charges, and we will just have to disregard this entirely and begin afresh." I said: "All right, now go ahead and tell me what your grievances are; tell me the most important ones first; don't let us bother about the little things until after we get rid of the big ones; that is sensible." So they began. I heard them patiently; I inserted a question here and there; I brought out what was in their own minds, and then I presented it to them. They saw it, and they said: "That is not a basis for a charge." What they needed was that sort of treatment to find out all the things they had in mind, to get it together and let them see the whole truth. We had gone over several transactions in that way, and in each case the Indians themselves had recognized that there was no basis for a charge. Then the matter that had been referred to came up.

[75] The SECRETARY. Just one moment, Mr. Dalby. How long had you been upon the reservation at the time of the meeting you are now referring to?

Mr. DALBY. This was the 1st of June; I arrived there the 22d of May.

Yellow Brow spoke of Frank Henry's cattle having come outside of the fence and overrun the country. I began in the same way to question him as to the details upon which he based that statement, when it was, how many cattle there were, just what territory it was, and who it was that lived in that neighborhood who could give me more definite information.

[76] Joe Cooper was sitting on my left about as close as this gentleman [indicating Mr. Wister] is to me now, and he interrupted and said: "Mr. Dalby, I know something about that." I said: "All right, Joe, what is it?" He said: "Those cattle came over on my place, way over on Soap Creek." I said: "All right, Joe, tell me about it.

How many were there?" "Well," he said, "that's what I'd like to know." I said: "Well, Joe, it was your place; it seems to me you ought to have some idea of how many there were. Now, tell me about how many." He said: "I do not know how many." I said: "Joe, when was this?" Well, he did not know that. Then I said: "Joe, when were you on your place?" "Well," he said, "some time in last September." I said: "Well, it must have been then, when you were there, that you saw them. Now, tell me about how many there were. That was your place and you must have some idea." "Well," he said, "I guess there must have been 300 or 400." Then I said: "Joe, God damn it, I believe you are lying to me." Joe said: "Well, Mr. Dalby, I—I did think you were a gentleman. I do not believe I can talk to you." I said: "Joe, not one word about that. I won't listen to a word from you as to whether I am a gentleman or not." He said: "I don't believe I can stay in here if you talk to me in that way." I said: "All right, Joe, if you don't want to stay, there is the door." Joe got up and went out. Immediately every Indian in that tent got up and walked out. There were about 60 of them. I saw at once that I had made a grave error.

[77] Joe Cooper would not be taken by any of you gentlemen for an Indian. He does not look any more like an Indian than any man present. He talks English; he does not have to be talked with through an interpreter. I had been talking with him directly without having the conversation interpreted to the Indians. I saw at once the mistake that I had made—that they had not understood what had passed but had seen me apparently abuse Joe Cooper. They had not followed the line of reasoning. I had seen, just as in cross-examining a witness on the stand, that that man evidently was trying to mislead me. I believed, and I believe now, that Joe Cooper was lying to me, not as to the fact that there had been some cattle there, but as to the seriousness of the transaction. He was trying to mislead me, and I went at him hammer and tongs just as I would at a white man, and there is where I made my mistake. I should not have done it. I recognized that at once, and I did not hesitate a moment abou retrieving the error. I went out—I did not beg those Indians to come back, I did not implore them to come back, I told them to come back, and they came back, every one of them. I said: "Now sit down where you were." Joe poked his head in the door, and I said, "Joe, you can come in if you want to," and Joe came in. Then I went over that situation carefully with them, having every word interpreted. I explained exactly the line of reasoning, as I have explained it to you now. I said: "Now, I believe that Joe was lying to me. I believe that he was trying to [78] deceive me. Don't you think so? The mistake I made was in talking to him in English, so that you could not understand, and in going at him as I would at a white man. I realize that I made a mistake and I am sorry for it. I won't do it again, but I want you to understand why it was. I don't blame you the least bit for getting up and going out. If I had been in your place I would have done the same thing. You thought I was abusing one of your men and you stood by him, which was the right thing to do."

They understood that, sir, every Indian understood that, and they were perfectly satisfied. One of the Indians—the camp Indian referred to, whose name in full is "Strikes-the-one-that-rides-the-white-hip-horse" (and who commonly is called "White-hip-horse")—rose. He said: "I heard you say that word 'God damn.' The priests have taught me that it is not right to say 'God damn.'" I am not attempting to use his exact words, but that is the substance of what he said.

Mrs. MARKOE. Did he speak in English, Mr. Dalby?

Mr. DALBY. No, ma'am, it was interpreted to me. He was, as I said, a camp Indian, and by "Camp Indian" they always mean one that is entirely unenlightened as to literary matters.

He said: "I do not think you ought to do that." Well, I want to say here that I never was more pleased with anything in my life than by the way that Indian called me down, for it was straightforward and manly.

[79] It was growing dark. It was hard to see 6 feet away. I walked around by the stove and got right up in front of that Indian and I talked to him. I said: "You are right; the priests have told you the right thing. We should not use the name of God irreverently. He is our Father, the God who made us. He makes the crops to grow. He makes whatever we have, and to Him we are beholden for all the benefits we have. It is right that his name should be used only with reverence. I did not use that name with any irreverent thought. But, as I said to you a moment ago, I was talking to Joe Cooper as I would to a white man, and among the white men this name is sometimes used when they want to indicate that they are very positive about a thing and when they want to use great emphasis. I thought that Joe knew about the ways of white men and that he would understand. Now, I used it in that way and only in that way. I did not use it irreverently. But a great many white men think that it is wrong to use that name even in that way. I see that you think it is wrong and I won't do it again; I want you to understand that."

Well, White Hip Horse was satisfied. He understood. I was careful that he should understand. In evidence of his satisfaction, I may recite that immediately afterwards he asked me to go with him to look at his irrigating ditch in the morning and see what was wrong with it, and I did. I spent the whole morning with him, pointing out where it could be improved, and afterwards I sent a surveyor up there to run the line for him again, so that the water would run into [80] his ditch.

That meeting was adjourned soon after that because it was dark. It was about 8 o'clock in the evening. It was time to quit. There was no unpleasantness whatever. Any statement to the contrary is entirely without foundation, whatever its source.

Plenty Coos asked for permission for the boys to dance that night. That was Saturday. I said: "No, it is not the time to dance, and it is the agent's rule to discourage dancing, and I shall not interfere with his rules any more than necessary." Then Plenty Coos said: "Well, we have been together here all this week, getting these charges together, with Mrs. Grey, and we have not danced." The 30th was one of their regular dancing times and they had gone over it. Well, I confess I weakened on that. I had some doubts whether I ought to have done it or not. But as it turned out I think it showed that it was a wise weakening. I let them dance that night because I had deprived them of the opportunity at the regular time, and that was the only dance that I gave my sanction to while I was on the reservation.

The next day, after going with White Hip Horse to see his irrigating ditch and having dinner on my return, I went to the camp to proceed with the inquiry for the basis for charges. I had hardly sat down, and the meeting was just about to begin business, when Mrs. Grey came in. Mrs. Grey wanted to know what all this was. I said to Mrs. Grey: "This is a meeting of the Indians. They have asked me [81] to come here to work with them and formulate their charges, and they have dismissed you from the case, as I notified you in writing this morning. I can not let you interrupt the meeting of the Indians. I have given them my promise that you shall go free, and you may." She came in and continued her talk with and about the Indians, insisting that if that was a meeting of the Crow Indian Lodge, Joe Cooper, the president, should be in the chair and not Mr. Dalby. (Being there as the guest of the meeting, they had put me in the seat of honor.) For a time I paid no attention, thinking that it would wear itself out, saying to the Indians: "I leave this to you. This is your matter. I would like for you to get rid of Mrs. Grey, but if she continues to insist upon breaking up the meeting I shall arrest her and put her off of the reservation. She will forfeit the right to the promise that I have given that she shall go free."

The SECRETARY. Mr. Dalby, some question has been raised about the interpreter. Who was the interpreter there?

Mr. DALBY. Alexander Upshaw.

The SECRETARY. Who is he?

Mr. DALBY. He was the interpreter at the first meeting that I attended. I had taken my own interpreter, but when I went into the meeting Mrs. Grey objected to him. She objected to some people that had voluntarily come up from the village, supposing that they were friends of mine. I sent my interpreter away. I sent all these people away. I went in among them alone and I accepted their interpreter, [82] who was Alexander Upshaw. Perhaps it is unnecessary to go on and say that afterwards Mrs. Grey accused Alexander Upshaw of falsely interpreting, and wanted to change interpreters on me again, and I declined to let her do it. At the same time I invited all the interpreters present to point out any errors in his interpretation, and they all said that he interpreted correctly. He was the interpreter on this occasion and he is the best interpreter on the reservation, with perhaps one exception, that exception being the interpreter that I had taken with me, whom I did not use.

Mrs. Grey insisted on continuing with her attempts to break up that meeting. I said again: "Now, Mrs. Grey, I can not permit this. You have forfeited my promise, but I still hold to it. If you will go quietly, you may go away now; but if you do not, I am going to arrest you."

[83] She said: "You are afraid to arrest me. You don't dare arrest me."

Well, it was a little stage play, but I thought it would be fair to the Indians. I said: "Now, Mrs. Grey says that I am afraid to arrest her. You men have seen me now for about a week under different situations, and if there is any Indian present that thinks I am afraid to arrest Mrs. Grey I would like for him to stand up." Of course no Indian stood up. It was, as I say, just stage play, but I thought it was fair to them and to her, because I wanted to avoid trouble if possible.

Well, she said, "I defy you to arrest me." Then I sent for the policeman. When Scolds the Bear came I called him in and told him that I had sent for him to arrest Mrs. Grey, but that I did not want him to take any action until I said the word. Then

I turned to Mrs. Grey again and went over the situation carefully (always having my words interpreted to the Indians also). I said: "Now, Mrs Grey, if you will go peaceably you still may go peaceably, but if you do not, I shall arrest you." She said: "I will not, and I defy you to arrest me." I said: "Scolds the Bear, arrest her." He did. She resisted arrest with all her strength, and she is a powerful woman, as Mr. Brosius knows. She called upon several of the Indians there to aid her, and not to permit her to be arrested. "Why, Packs the Hat, will you let them treat me this way? Horace, will you permit this? Joe Cooper, have you no manhood at all?" and so on, to perhaps a dozen of them. But, fortunately for Mrs. Grey, I think, as well as for me, not an Indian made any response. It must be perfectly clear to all you gentlemen that if there had been any [84] response there would have been a serious situation just at that point.

Mrs. Grey was arrested and taken to the village. I went with her. After leaving her there in the care of Scolds the Bear I came back to the meeting. I said: "I am sorry that this interruption has occurred. It will make it necessary for me to be away until probably Tuesday"—that was Sunday evening—"but I will come back as soon as I can, and we will go ahead with this work that we have in hand." Plenty Coos then got up and said: "Well, Mrs. Grey has gone"——

The SECRETARY. Does he speak English?

Mr. DALBY. No; he spoke through an interpreter.

"Mrs. Grey has gone, and I think that you might go too when you get ready." I do not remember the exact verbiage, but that was the substance of it, and of all he said at that time, before I replied.

I said: "I came here at your request. I am, in a sense, the invited guest of you Indians. I came here to help you formulate your charges. Of course, if you do not want to continue that way, that is for you to say. I will go, and not go on with the proceeding in this way, since you wish it, though I tell you, frankly, that I think you are making a mistake. But I did not come here to make an investigation because you asked me to. I came here to make an investigation because the Secretary of the Interior sent me and because the integrity of the administration of this agency has been brought in question. I shall continue my investigation until I am able either to clear the administration of this agency or to condemn it and to fix the blame where it belongs. Since you have concluded not to [85] proceed in the way we have been, there is no further need for you Indians to be here at Lodgegrass and you must, every man of you that does not live here, return home."

The SECRETARY. How many were there at that meeting?

Mr. DALBY. About 50 or 60.

The SECRETARY. About the same number as the day before?

Mr. DALBY. Yes, sir; it was the same crowd all the time.

I said: "When I get around to it I shall visit all the districts on the reservation. I will probably see most of you men again, and I will then get from you whatever you have to say to me, and anything that needs investigation I shall investigate. Anything that I can remedy I shall remedy at once; anything that I can not remedy I shall report to the Secretary of the Interior; but you men must leave here."

It is perhaps unnecessary to go ahead and recite the balance of what I said, but that is all that at the moment seems to me to be germane to the charges that have been made against me. That is absolutely the only thing that occurred that had any likeness to what has been charged here; and with that I will leave that part of my answer.

The SECRETARY. Did you have any further meetings with the Indians as a body?

Mr. DALBY. No, sir; only in the districts where I called together those few that had anything to say to me. I did speak with them collectively, but not as a large body. I do not suppose there were ever more than a dozen or fifteen at any one time after that. [86] But when they came together they came together at my request, not at theirs, and for the purpose of giving me anything that they wanted to. At these meetings, I will say that I never permitted either the agent or any employee of the agency to be present. Alexander Upshaw, my interpreter, and I were alone in these meetings, invariably.

The SECRETARY. By whom was the interpreter, Upshaw, suggested at the meeting when Mrs. Grey made objection to your interpreter?

Mr. DALBY. He was the officially chosen interpreter of the Crow Indian lodge for that particular occasion.

I have wanted to go into that, because it is the only charge that has any color of truth in it which relates to my conduct of the investigation on the Crow Reservation. I want to say that I did not lose my temper—not only not then, but not at any time during the progress of the investigation. My use of profanity, if it be called profanity, on that occasion was not because I lost my temper. It was a deliberate act of mine, because, in my judgment, that was the place for it. It was a mistake in judgment, for which I am sorry, but it was not, as has been alleged, a fit of temper.

It has been said to-day, I believe, that I denied the Indians the opportunity to have a stenographer. No suggestion was ever made of having a stenographer at that meeting. The meeting was purely informal, and for the sole purpose of formulating charges.

[87] Joe Cooper, in that meeting, did ask if they could not have a stenographer to report the proceedings when I investigated the charges that we were then proceeding to formulate. He said, "the lodge will be willing to pay for that." I said, "Joe, I am a stenographer myself and there are stenographers at the agency whom I will use for the purpose of taking this testimony. I know when that sort of work is done correctly; I am a judge of that sort of work, and know absolutely that it is unnecessary for you to incur that expense." That was the occasion on which that occurred. But it never reached the stage where the employment of an outside stenographer was even suggested as an immediate expedient.

Now, as to the charge that has been made in regard to my attitude toward Mr. Brosius, I have already made this answer in writing in my letter of October 21, 1907, to the Commissioner of Indian Affairs, through the Secretary of the Interior, which is absolutely correct and true, and to which I now swear. Perhaps, in view of the testimony that Mr. Brosius has given here, it is unnecessary for me to make any comment. He admits that he did not offer me any assistance; therefore, I did not reject any assistance.

Mr. MILLER. Might Mr. Dalby read his communication, which we have not heard?

The SECRETARY. Read the communication, Mr. Dalby.

Mr. DALBY. I see I did not send this to the Commissioner of Indian Affairs. I sent it to the Secretary of the Interior. I will read the letter.

[88] Mr. WISTAR. (Addressing the Secretary.) Does Mr. Dalby have supreme charge when he is on a reservation?

The SECRETARY. While there he supersedes the agent and represents the full authority of the Secretary and the Commissioner of Indian Affairs.

Mr. DALBY. I never deemed it necessary or wise to exercise that authority and never did.

(Reading the letter.)

[89] "WASHINGTON, D. C., *October 21, 1907.*

"The SECRETARY OF THE INTERIOR.

"SIR: I return herewith the communication of October 9 from the Indian Rights Association to the Commissioner of Indian Affairs, signed by J. Rodman Paul, chairman pro tem., N. Dubois Miller, William H. Futrell, Edward T. Child, E. M. Wistar, John B. Garrett, Charles J. Rhoads, Charles Chauncey, and M. K. Sniffen, 'On behalf of the executive committee,' making certain charges against me in connection with my investigation upon the Crow Indian Reservation, which you handed me this afternoon, and respectfully comment thereon as follows:

"These gentlemen say: 'Owing to an unfortunate lack of restraint on the part of the inspector at his first meeting with the Indians in council, the latter were alienated and offended and were unwilling to have further communication with the inspector.' * * * 'The inspector was, therefore, deprived by his own action * * * of the opportunity of communicating with the Indians on terms which would enable him to receive frank testimony.'

"Waiving for the present the lack of specification in this charge, I say that it is false. My reports to you, under date of June 1, June 8, and August 12, are a sufficient refutation of it.

"These gentlemen further say: 'Shortly afterwards, while the inspector was still at the agency, the agent of this association, Mr. S. M. Brosius, whose attention had also been called to [90] the alleged abuses, arrived at the agency in order to give such assistance as was in his power to the Government in ascertaining the truth as to the conditions existing on the reservation' * * * 'but he (the inspector) rejected the assistance of the accredited agent of the Indian Rights' Association, whose independent sources of information would have been valuable.'

"This charge is absolutely and unqualifiedly false. Not only is it true that I did not reject any assistance from Mr. Brosius, but it is further true that he did not proffer any, but on the contrary refused even to discuss with me any matters which he may have thought deserved investigation or attention on the Crow Reservation, although I urged him to do so in order that I might either tell him what I had already learned on the subject or else make such investigation as appeared still to be necessary. He would not even admit to me that he possessed any 'independent sources of information' which 'would have been valuable.'

"Mr. Brosius arrived at Crow Agency on the afternoon of Saturday, July 13, and went immediately to the house of the Reverend Mr. Burgess. He did not call upon me—although he admitted that he was aware of the fact that I was there conducting an investigation—or in any way advise me or any other officer of the Government of his presence at the agency. At about 9.30 in the evening I accidentally learned of his presence, and at once sent him the following note:

"'I have just heard that you are here for some purpose connected with the Indians. I shall be pleased to talk with you [91] at my room at the hotel. I have asked the Indian agent, Major Reynolds, to hand you this note and to accompany you to my room.'

"Mr. Brosius came with Major Reynolds to my room, and we three talked together for probably half an hour. Mr. Brosius stated at once that he had not come to the agency in connection with any matter relating to the Indians, but merely for the purpose of a friendly call upon Mr. Burgess, saying that he and Mr. Burgess had been friends for a long time and that they had not seen each other for several years and that he expected to (and he did in fact) leave for Sheridan on the early train next morning. (I afterwards learned that Mr. Brosius and Mr. Burgess had met and talked together in Sheridan earlier in that same week. Comment seems quite unnecessary.)

"This whole matter was reported fully in my letters to Judge Parker under dates of July 14 and 15, copies of which I sent you at Crater Lake, Oreg., at the same time. (I have since discovered some slight inaccuracies in those letters, but they are not material, and the only one that at all affects this matter is corrected in my statement above.)

"These gentlemen further say: 'On the present occasion, however, Mr. Dalby expressed to Mr. Brosius in no uncertain terms his displeasure at Mr. Brosius's presence and his intention of removing him if he failed to depart voluntarily.'

"This charge is false. I did not in any way express any intention of removing Mr. Brosius from the reservation. There was in fact no occasion to do so, for at the very outset of the [92] conversation Mr. Brosius stated voluntarily (as above recited) not only that he had not come for any purpose connected with the Indians, but that he expected to leave the reservation before daylight the next morning. I did, however, draw attention to the fact that while I was engaged in an investigation upon the reservation under orders from the Department I could not with any official propriety permit any other person whatever to conduct an independent investigation of the same subjects upon the same reservation without express authority from the Department. Mr. Brosius stated that he thoroughly understood this and that he had no such authority and no intention to make any such investigation.

"I wish to state now, however, that had Mr. Brosius undertaken any such independent investigation upon the Crow Reservation at that time without express authority from the Department, I should unhesitatingly have arrested him and expelled him from the reservation, and, on the other hand, if he had presented any such authority from the Department I should quite as unhesitatingly have left him in possession of the field and sent in my resignation by telegraph. Quite outside from all questions of propriety the peculiar conditions then existing upon the reservation, growing out of Mrs. Grey's propaganda, would have made any other course impossible in either of these contingencies.

"These gentlemen further refer to a certain memorandum submitted by Mr. Brosius to the Commissioner of Indian Affairs, and also to a petition from some of the Indians for a reinvestigation. I have already commented upon these documents in my letter of September 4 to the Commissioner of Indian Affairs (transmitted through [93] the Secertary of the Interior) as to the former, and in a memorandum dated September 6, on file in your office, as to the letter.

"These gentlemen invite your attention to my 'recent report upon the conditions' upon the Crow Reservation. In this I wish to second them. If you will read my report of June 8, and my three reports of August 12, I shall feel quite safe in refraining from any other answer to these or any other charges which may be made against me in connection with my investigation upon the Crow Reservation. I am quite content to be held responsible not only for the integrity and thoroughness of the work upon which these reports are based, but also for the substantial accuracy of the conclusions therein stated.

"These gentlemen further intimate that they and Mr. Brosius will be glad to appear before you 'for fuller explanation of the reasons leading to the present communication.' In any such event, I respectfully request the privilege of being present also. And should you deem further answer on my part necessary, I shall be most happy to make it then in your presence and the presence of my accusers.

"Very respectfully,

"Z. LEWIS DALBY, *Indian Inspector.*"

[94] Perhaps I might comment on that, as of course some matters have been brought up which were not stated in that letter.

The SECRETARY. Instead of commenting, please confine yourself, as far as possible, to a statement of just what occurred in addition to what you have stated in your letter.

Mr. MILLER. May we have a copy of it? (The above letter.)

The SECRETARY. Yes.

Mr. DALBY. By commenting, that is what I meant, sir. The way I happened to learn of Mr. Brosius's being on the reservation was this: I was going to the station to mail a letter to my wife, which I usually mailed on the train. Crossing the canal bridge, I met the agent and Mr. Bailey and stopped and chatted with them. While we were there I think Frank Shiveley and Big Medicine, the chief of police, came up and called Major Reynolds aside. Major Reynolds told me that what they said was, Big Medicine, happening to be at the station in the afternoon, as was his custom and is his custom always, observed Mr. Brosius get off the train and go to the house of Mr. Burgess. With natural Indian curiosity he had found out (probably through Russell White Bear, I don't know) that this gentleman was agent of the Indian Rights' Association; but he and Frank Shiveley, through their own motion, had found out that Mr. Brosius went to call on Mr. Burgess. They had just come back from there and were telling Major Reynolds that Mr. Brosius was there.

[95] Mrs. Grey and Plenty Coos had both said to the Indians that they were going to have me removed and get a new inspector. I had said to Mrs. Grey that that was a matter for the President and the Secretary of the Interior to decide; that as long as I was there I was going to conduct the investigation, and to be frank to the Indians I had said, "You need not put any hope in this because that is not the way things are done. This has been put in my hands to investigate and until my report is received neither the President nor the Secretary is likely to take any action." But this had been put in their minds. They were on the qui vive, expectant, and Mrs. Grey had been on the border of the reservation, calling the Indians over there to talk with her, and had been a source of trouble on the reservation until they were in a condition of expectancy and disorganization that resembled the condition that existed when I first went there, due to Mrs. Grey's influence. This was still due to Mrs. Grey's influence and to the statement that she was going to get another inspector there. I knew that, however innocently Mr. Brosius might have come there, his coming there would give color to that and would be likely to cause trouble, at the least to interfere with the efficiency of my investigation. Consequently, I wanted at once to talk with Mr. Brosius to find out what he did come for and what he was going to do. Consequently, I wrote him this note, and, as I stated there, he had not intimated any intention of communicating with me and [96] did not prior to that communicate with anybody in authority on the reservation.

When he came to my room I, after the ordinary salutations, said, in substance, that I had understood he had come there with regard to some matter in relation to the Indians, and he said no, he had not, and I admitted I must then have been misinformed or had come to a wrong conclusion. He said no; he had just come down for a personal call on Mr. Burgess; that Mr. Burgess was his personal friend and he had not seen him for several years, and, as a matter of fact, Mr. Burgess did not know he was coming, and that he was not at his home at that time. Well, I expressed regret at keeping him away from Mr. Burgess, but I continued with the conversation. That somewhat took me back, because I had expected Mr. Brosius to open up with charges, but having said that at the very first intimation of any inquiry on my part, my conversation was directed in an entirely different line. "Well," I said, "Mr. Brosius, are there any matters now, as representative of this association, that you want looked into, that you are not satisfied about, that you think ought to have attention?" "Well," he said, "there may be and there may not; I have some matters in mind." "Well," I said, "Mr. Brosius, I have been conducting an investigation here for about six weeks now, and I have been over the reservation, and I think that I have the situation fairly in mind, and while, of course, official proprieties would probably require me to make my report only to my superior, if you will tell me the mat[97]ters you have in mind I will let you know what I have found out, if I have found out anything, and if I have not, and it seems worth while, will go ahead and investigate it." Well, he said, no, he did not care to talk these matters over with me, that it might take him a long time, and that he would send anything he had, if he had anything (he did not say positively), to the Commissioner. I said, "Then, Mr. Brosius, I would like for you to send it as soon as you can, so that if it is such a matter that the Department would refer to me I can attend to it while here."

Mr. BROSIUS. You saw the charges I made before you left the agency, and you have been there since?

Mr. DALBY. No, sir; I have seen those charges as intimated in this answer.

Mr. BROSIUS. Did you see my charges before you finished your investigation at the agency?

Mr. DALBY. I did not.

Mr. BROSIUS. Before you made your report?

Mr. DALBY. I did not. Growing out of Mr. Brosius's reply that it would take some time to satisfy himself as to the facts, after hearing what I had to say on the subject I said as to that "Mr. Brosius, that is a matter that I could not submit to you. I could not permit you to make an independent investigation on the reservation for the purpose of determining whether what I said was [98] true, unless you had the specific authority of the Department." In reply he said he had no such authority and that he had no intention of making any such investigation, and the matter dropped there.

Mr. BROSIUS. Didn't you say in the beginning, "Mr. Brosius, do you know you have no right on this reservation," etc?.

Mr. DALBY. I did not, absolutely.

After finding that Mr. Brosius was not inclined to talk with me or to afford me any assistance or any information whatever, we talked on general topics and then when he got ready to go Major Reynolds and I got up and went with him. Mr. Brosius has told me some things that I did not know about that. We went with him out of a feeling of friendliness and for the purpose of showing him the way, being a stranger. As to what he says about the horses' hoofs, that has really passed my recollection, but there was this which may have given rise to it. There was no delegation to meet Mr. Brosius at the station; he is mistaken about that entirely. When this information came to me that Mr. Brosius was there, I understood, or information came at the same time, that Mr. Burgess was also at Reno for the purpose of getting together a bunch of Indians to bring down to talk with Mr. Brosius. I said to Big Medicine, "You take charge of that and intercept any of these people and do not let them talk to anybody until I see them first," and that was what I referred to when I told Major Reynolds he might put those men off duty. How[99]ever, had he come there for any business in connection with the Indians I should have carried out that course.

Mr. MILLER. What was the rumor about the Indians; they were to come where?

Mr. DALBY. The rumor, I may say, was entirely mistaken.

Mr. MILLER. They were coming to what place?

Mr. DALBY. To the agency. The rumor was that Mr. Burgess had gone to Reno for the purpose of getting together some Indians to bring to see Mr. Brosius at the agency, and I set the policemen around Mr. Burgess's house, at the ford, and at different places to intercept any persons that came to talk with Mr. Brosius until I had seen them.

Mr. MILLER. When did you learn that Mr. Brosius arrived?

Mr. DALBY. Late in the evening I learned that he had come.

Mr. MILLER. The Indians were not placed about until after you had learned of Mr. Brosius's arrival there?

Mr. DALBY. No, sir; they were not.

Mr. MILLER. How long was it after you learned that Mr. Brosius was there that you sent the note to him?

Mr. DALBY. As soon as I could write it.

Mr. MILLER. And was it then that you gave orders to have the police stationed so as to intercept this delegation?

Mr. DALBY. At the same time.

Mr. MILLER. Mr. Brosius said that he saw the Indian police at the station when he arrived, several hours before the time you [100] learned he was there, as I understood, and that he was waited upon by the Indian police sometime before the agent called with your note, and that he saw the Indian police on the board walk as he went down with the agent to see you. When had this rumor reached you that the Indians were coming down to see Mr. Brosius at Mr. Burgess's house?

Mr. DALBY. At the same time that the information that Mr. Brosius was at Mr. Burgess's house was received.

I do not at the moment think of any point that I need to cover, but probably in the cross-examination that may come out and I may be permitted to add anything that occurs to me.

The SECRETARY. Are there any questions you wish to ask Mr. Dalby?

Mr. BINNEY. I think probably we might like to withdraw and consult.

[101] Mr. MILLER. Mr. Dalby, do I understand you to say that at no time during that interview that evening did you say to Mr. Brosius that he had no right to be upon the reservation?

Mr. DALBY. Aside from the authority of the Department?

Mr. MILLER. Yes. Just tell us what you said on that point.

Mr. DALBY. When Mr. Brosius intimated that it would take him perhaps several weeks to satisfy himself on the points that I might tell him, I said, in substance, to Mr.

Brosius that evidently that would involve an investigation by him independent of me, and that such an investigation could not be made without the specific authority of the Department. That, in substance, is what I said to him.

Mr. MILLER. I understand, then, that you emphatically deny saying what he claims that you said—namely, that he had no right to be upon the reservation without a permit?

Mr. DALBY. Mr. Brosius asked me whether I did not say to him practically as soon as he came into the room, "Don't you know you have no right on this reservation?" I reply to that absolutely that I did not.

Mr. MILLER. When did you say it?

Mr. DALBY. I never did use that language.

Mr. MILLER. What language did you use upon that subject?

Mr. DALBY. The language which I have previously described to you, sir.

Mr. MILLER. Then I understand you to say that Mr. Brosius is incorrect in saying——

Mr. DALBY He is, absolutely.

Mr. MILLER (continuing). That shortly after he had met you, and after the usual salutations had been exchanged, you said to him [102], "Don't you know you have no right to be upon this reservation without a permit from the Secretary of the Interior?"

Mr. DALBY. I have answered that question as directly as it is possible to answer it.

Mr. MILLER. How long did your conversation take altogether?

Mr. DALBY. Perhaps half an hour.

Mr. MILLER. And the greater part of it, I understand you to say, was devoted to matters which had no connection whatever with this subject?

Mr. DALBY. Well, I would not say the greater part of it; I really have no definite impression about that; but a large part of it.

Mr. MILLER. I really think that there is nothing else that I feel any especial interest in asking Mr. Dalby. That seems to me the only point in which there is any material variance between the two stories.

The SECRETARY. Are there any other questions that any of you wish to ask? Mr. Brosius, have you any questions?

Mr. BROSIUS. No; I have nothing.

The SECRETARY. Mr. Leupp, have you?

Mr. LEUPP. As I understand, Mr. Dalby, there was some other person present there?

Mr. DALBY. The agent.

Mr. LEUPP. No one else?

Mr. DALBY. No one else.

Mr. LEUPP. Mr. Secretary, would it not be a good idea to have these gentlemen frame some interrogatories that they want to put to the agent? Let them put them in their own language, so as [103] not to give him any indication of what has occurred.

The SECRETARY. I do not recollect whether in the report filed here there is any statement from Mr. Reynolds.

Mr. DALBY. No, sir.

The SECRETARY. There is no statement from him?

Mr. DALBY. No, sir.

The SECRETARY. Do you gentlemen desire to follow out Mr. Leupp's suggestion of submitting interrogatories to Mr. Reynolds and asking him his remembrance of what occurred at that interview?

Mr. BROSIUS. As far as I am concerned I do not think it is worth while, but I will not speak for Mr. Miller.

Mr. MILLER. Of course I think the secretary wants all the information he can get, and if it can be obtained in that way I see no objection to it.

The SECRETARY. I did not know but what there might be some particular form of interrogatory which Mr. Brosius might care to submit to Mr. Reynolds. If he does, of course I should be very pleased to have him do it.

Mr. LEUPP. My idea was that it might be possible to obviate the difficulty of asking Mr. Reynolds any leading question which might possibly vitiate his testimony. I have no reason to suppose that Mr. Reynolds would tell anything but the truth, just as I believe Mr. Dalby has told you the truth about what occurred at that meeting when he made a perfectly frank statement about the unfortunate attitude he assumed toward the Indians. I think Mr. Reynolds will be equally candid about what took place at that meeting, but I should feel better satisfied, as far as I am concerned, if the interrogatories were framed in a manner that would [104] be satisfactory to your association.

Mr. DALBY. Mr. Secretary, in connection with that I had in mind to suggest, inasmuch as an issue of veracity has been raised between Mr. Brosius and myself, and as Mr. Reynolds was the only other participant in the transaction, that that very thing be done. I would like to have these gentlemen frame their interrogatories, and then I should like to frame cross-interrogatories.

Mr. MILLER. I should be entirely satisfied if the Secretary of the Interior or the Commissioner of Indian Affairs would write Mr. Reynolds and ask him for an exact statement of what transpired.

Mr. DALBY. In that connection I would like to read you a letter which I wrote to Mr. Reynolds.

The SECRETARY. Have you had any conference with Mr. Reynolds about this meeting?

Mr. DALBY. Absolutely none; and I wish to read you the only letter that I have written.

Mr. MILLER. Since this statement was made?

Mr. DALBY. Well, not the only one I have written him since I left there, but the only one for a month, I presume—certainly since this matter came up. In that letter I said:

"Will you please write me, as soon as you can, a statement of your recollection of just what occurred in connection with Mr. Brosius's visit to Crow Agency on July 13. State particularly your recollection of what occurred during the conference between me and Mr. Brosius. Some question has been raised about this matter, but I purposely refrain from giving you any more explicit information on the subject, so that your statement may be made entirely without any suggestion from me."

[105] The SECRETARY. When was that written, Mr. Dalby?

Mr. DALBY. It was written on the 23d of October. I have not yet a reply. It might come in almost any mail, according to the promptness with which he replies. He has a great deal of work, and of course he may be out on the reservation. He is a man that spends most of his time with the Indians, and of course it may not have reached him.

The SECRETARY. That letter you wrote after I had talked with you about this letter from the association?

Mr. DALBY. Yes, sir; after I had written that letter to you which is dated the 21st of October.

Mr. BINNEY. This was the 23d, just one week ago?

The SECRETARY. One week ago.

Mrs. MARCOE. Mr. Dalby seems to have forestalled us.

The SECRETARY. It is not a question of forestalling. It will simply result in his sending in a statement.

Mr. DALBY. I have made an inquiry which is as absolutely colorless as it was in my power to make. I have forestalled nothing.

Mr. LEUPP. It might be perfectly proper, Mr. Secretary, to have Mr. Reynolds's statement under oath. He might forward an affidavit, which would be in the same form as a letter, but which would give his statement the same sanction that the statements here this morning have had.

The SECRETARY. With the exception that he would not be subjected to the cross-examination to which both Mr. Brosius and [106] Mr. Dalby have been subjected by all of us here.

Mr. LEUPP. There is one other thing that has occurred to me at this moment, apropos of a passion, almost, that obsesses me with regard to settling legal points as to the authority of the Government in certain ways. I simply wanted to ask Mr. Brosius this question: "Did the idea occur to you, while you were there in conference with Mr. Dalby, that he had the legal right to put you off the reservation?"

Mr. BROSIUS. Oh, yes. That has always been my impression.

Mr. LEUPP. It did not seem to you that there was enough doubt about it to make a test case or anything of that kind?

Mr. BROSIUS. No; I have always conceded that. I would like to enlarge upon that a little. When I filed charges against the Cheyenne River management in South Dakota, you very readily and quickly took that matter up, and we looked about for a proper inspector—not an inspector officially, but a special agent or other officer—to go there and talk over the matter. There were two or three men that I thought might answer, and finally we agreed upon Mr. Conser. In our conversation—that was a couple of years ago and I can not remember the words, but I have the idea in mind—you suggested: "Why don't you go out there as a prosecuting witness in the case, Brosius, and endeavor to prove your own charges?" I said: "Well, Mr. Commissioner, I am willing to go, but suppose the agent arrests me and puts me off?" "Well," you said, "that would be a pretty good advertisement for you, wouldn't it?" [Laughter.] Do you remember that?

Mr. LEUPP. Yes; I remember that. I had that idea in mind as I have in a great many of other cases. When I was with the [107] Indian Rights' Association I took all sorts of risks of arrest and other things that I was threatened with for the purpose of having the law tested, and I think it would have been a very valuable contribution

if Mr. Brosius had simply insisted on his being arrested, if there was going to be any arrest, and allowed that matter to come up in court.

Mr. MILLER. Yes; I think we rather regret that he did not allow the arrest to be made.

Mr. LEUPP. Then, of course, the question would arise as to whether there was any intention or any thought of arresting him. That would have brought it out.

Mr. BROSIUS. The only point in this case, it seems to me, is that we want to know what is to be the policy in the future. That is what we have asked for.

[108] Mr. WISTAR. Mr. Secretary, I would like to ask Mr. Brosius if Agent Reynolds was present during the conversation alluded to, and whether he took part in the conversation.

Mr. BROSIUS. Oh, yes; Mr. Reynolds accompanied me to the hotel and I had not the privilege, of course, of having any one else there. My understanding, of course, was that either the Indian agent or the inspector would have the right to command me.

Mr. WISTAR. What I was trying to get at was whether Agent Reynolds was present during the conversation which took place, about which you have been questioned.

Mr. BROSIUS. He was present during all the time and no one else was present except the inspector.

Mr. MILLER. Of course I can understand, Mr. Secretary, that there would be embarrassment on the part of Mr. Brosius if he were asked in the presence of the accused whether he had any investigation to make in regard to him, or, indeed, if there were any conversation on the subject; if Mr. Brosius had any question in mind which had been raised by the communications made to him with respect to Mr. Reynolds's behavior on the reservation, he could not very well discuss those things in the presence of Mr. Reynolds. I only say that that seems to me one reason why anything which Mr. Brosius may have said would have tended simply to dismiss the matter for the present.

The SECRETARY. It has not been suggested by Mr. Brosius that he was under any feeling of that kind.

Mr. MILLER. No; but that was my impression—that the presence [109] of a man who was under fire would naturally close one's mouth. But that, I think, is immaterial at any rate. I don't think what Mr. Brosius has said is of very much importance, except as bearing upon the attitude of the inspector.

The SECRETARY. Have any of you gone over Mr. Dalby's report during this summer? Was it sent to you or did you see it here?

Mr. BINNEY. I have not seen the entire report, but I have seen and read certain portions of it, the portion towards the beginning and towards the end, covering all the matters that have been mentioned here to-day, and other matters also. There is a middle portion—I don't know whether it is large or small—of which I have not seen any copies.

The SECRETARY. That has to do with the question of the direct charges made against the agent about the cattle and matters of that kind, has it not?

Mr. DALBY. I could not say, sir. The report is taken up by subjects.

Mr. BINNEY. I saw that portion in regard to Heinrich's matter and also Bair's matter in regard to the sale of land to the Lincoln Townsite Company, and then in regard to Mr. Brosius and Mrs. Grey, the agent, and the general condition of the Crows, as to their degeneracy, etc.

Mr. DALBY. May I ask you how you came to see those?

The SECRETARY. They were sent to——

Mr. DALBY. I beg your pardon, Mr. Secretary, I don't think the report has ever been sent out.

[110] The SECRETARY. Copies of the report, in some form, were sent out, I think.

Mr. BROSIUS. I had the privilege of copying it. I asked for a copy and the stenographer and typewriters were busy and I asked the privilege of having it copied.

The SECRETARY. That is what I understood, that they had access to the report.

Mr. DALBY. That is just what I am getting at. I want to know how much of that Mr. Binney has seen.

Mr. BINNEY. If I am shown the table of contents I can indicate almost exactly the portions that I have read.

(The table of contents was thereupon shown to Mr. Binney.)

The SECRETARY. What I am gettting at is, I want you gentlemen to see what the report is.

Mr. DALBY. I would like very much for Mr. Binney to read the whole report, if he will so honor me.

Mr. BINNEY. I have read from page 6 to the matter that ends on page 41.

Mr. DALBY. Did you see everything in that?

Mr. BROSIUS. I might add that whatever was copied, so far as it went, was complete, I think.

Mr. BINNEY. Also from page 58 to the end; the pages were not numbered and not having compared them with the original I have no means of speaking of the completeness other than it appeared to be entirely complete. It read consecutively.

Mr. DALBY. Did it correspond in bulk to the number of pages indicated by that table of contents so that you would think you saw it [111] all?

Mr. BINNEY. I can not say about the bulk, but it corresponded in succession of subjects.

Mr. DALBY. Of course it is material, Mr. Secretary, that the whole argument on the subject should be seen in order to judge of the justness of the conclusions reached from the argument.

The SECRETARY. I would ask, Mr. Binney, that you take the entire report and go over it while you are here, if you can, so that you may be fully advised as to exactly what the scope of Mr. Dalby's investigation was and how far he went with the various Indians, both those who were present at that meeting and those whom he afterwards met individually in their houses or in the different districts. I have gone over, not all of these exhibits in detail, but the reports as they came in from time to time, and so far as this hearing is concerned, it does not seem to me that Mr. Brosius has presented facts which tend to make me believe that the information sought for was not obtained. He has been told by Joe Cooper and some others that Mr. Dalby's attitude drove away some of the Indians. Now, I would like to have you go over the full report that Mr. Dalby submitted, and see whether or not, from the report and from the exhibits which accompany it, you would reach the conclusion still that Mr. Brosius is justified in feeling that other evidence could be obtained than that which has been obtained on the subject of the condition of the agency and the relations of Mr. Reynolds, the agent, to the cattlemen, or in regard to whatever other charges are contained in the letter from Mr. Brosius.

Mr. BINNEY. I should certainly be very glad to do that. Was it [112] your idea that that should be done immediately?

The SECRETARY. As soon as possible. I want to get this back of us; I would like to get everything wiped out.

Mr. BINNEY. Of course it would involve my staying over.

The SECRETARY. I appreciate that, but I know it is of sufficient importance to do that, so that we each may be fully advised as to exactly what the condition of the record is.

[113] Mr. MILLER. How would you suggest that we go about getting the information which will give you specific, definite information to work upon? You see it can not be obtained by mere hearsay. It can only be obtained by some inquiry made on the reservation. Now, I infer you would not at present care to let Mr. Brosius go upon the reservation and make inquiries.

The SECRETARY. I want Mr. Brosius and Mr. Binney to go over this entire report here, and if they find anything that they think has not been properly investigated, to call it to my attention.

Mr. MILLER. Suppose we say to you that the situation was one that could not have been arrived at, however able Mr. Dalby was, and that the facts are such as to lead us to feel that he really has not acquired the confidence which ought to be imposed in him by the Indians, and therefore has not gotten all the facts. How could we then be able to state to you any specific facts without having a representative of the association learn what are the facts or obtain the point of view of the Indians, and then determine whether the Indians had presented these facts to Mr. Dalby?

The SECRETARY. I think it would be well to cross that bridge when we come to it. I want you to go over this entire report and see what was done after the incident concerning which we have had testimony presented this morning, and see whether or not, after your study of this report, you still believe that Mr. Dalby so lost the confidence of the Indians as to preclude him from getting all the facts.

[114] Mr. MILLER. Then you will keep an open mind until we are able to express an opinion.

The SECRETARY. Yes.

Mr. BINNEY. I should like to ask a question. It is not perfectly clear to me just what your view is as to the position that should be taken by an agent of this association. I understand you to say that Mr. Dalby has stated the matter correctly when he said that it would be impossible for any investigation to be independently carried on by an agent of this association on the reservation pending an investigation by an inspector or other officer of the Government.

The SECRETARY. I think that is very clear.

Mr. BINNEY. Am I then to understand that an agent of this association should absent himself absolutely from a reservation pending an investigation by the Government, or would he not be permitted to go there during that time?

The SECRETARY. If he should act in entire harmony with the inspector, so that the inspector would use him as one of his arms in aiding to find out the facts and act entirely under the inspector, there will certainly be not only no objection, but it might be of very great advantage in having your agent there at that time. If Mr. Brosius had at that time said to Mr. Dalby, "Here is what I have heard. Now, I want to find out the facts about these things. I have learned thus and so and want to cooperate with you in trying to prove or disprove these facts. [115] I am afraid you have injured your ability here to get at these facts by reason of these things I have heard," he would have found in Mr. Dalby a man who would have immediately said, "We will sit down and work these things out together." We want your cooperation, but it has got to be under our supervision. We can not put you or your agents in place of our agents and give you authority to make an investigation.

Mr. WISTAR. Our position has been, Mr. Secretary, a matter of preliminary gathering of such information and sworn evidence as will appear to be worth while.

The SECRETARY. That is entirely different. If no investigation is pending at the agency and Mr. Brosius or one of your duly accredited representatives goes there and behaves himself, not causing a disturbance of any kind, he will be treated just the same as he always has been treated. Now, as regards the law and the practice as to permits upon reservations. I have no doubt that in the ordinary conduct of the work of your association and your agents, your men go back and forth without hindrance; and yet back of it all we have the right at any time to say that nobody can go on that reservation, and in many instances we have to exercise that right constantly, depending upon the character of the Indians and the special conditions that exist at that time. I have in mind at present the trouble with the Navaho. I should not under any circumstances have permitted a white man to go in among those people at that time, because I could not have told what might have arisen under the conditions that then existed. As to the question of whether or not there should be permits, I thoroughly agree with Secretary Bliss. I should not give to any[116]body a roving permit to go any time on any reservation. I should only allow him to go at his peril; that is exercising good common sense, and if a situation developed where he saw that there was likely to be a disturbance of any kind among the Indians, that he would get an authority from either the Commissioner or myself and make a special trip or special investigation. Then he would go in such a way as to insure proper treatment there. Now, of course, if you have at any time information that leads you to believe that any of the agents are not doing as they should we would not expect your agent to go up and say to an Indian agent, "You are charged with malfeasance, and I want to know whether it is so or not." He will have to go there and get hold of the Indian who tells him this story, and while I am not an expert on Indian character I do know something about it, and you have got to deal with those people in a painstaking, careful way, and a very simple way at times. I think there will be no difference of opinion between the association and myself as to how we ought to conduct these matters, but I can only repeat that I want real cooperation. I do not want an underground of suspicion existing between your people and my people. If we are wrong, come frankly out and tell us so and we will try to remedy it if we are shown that we are wrong. If we are right we want to be treated right.

Mr. MILLER. I do not think there has ever been any such feeling of suspicion. I think the suspicion here was caused by, apparently, Mr. Brosius's certain understanding of the situation as he found it out there, and, as I say, I think the concatenation of [117] events gave considerable color to the fact that the investigation was not being thoroughly prosecuted. I think the sequence of events was such as to give color to that fact.

The SECRETARY. When you consider the other side of it, Mr. Brosius had seen two or three Indians, possibly three or four, and had talked with the missionary there. On the other hand, Mr. Dalby had seen a great many of these Indians. Mr. Brosius evidently did not know at the time all that occurred. He did not know all the Indians Mr. Dalby had seen or what had happened at these meetings. You have entire confidence in Mr. Brosius's statement; I have entire confidence in Mr. Dalby's statement. As we see it now, I think both of them made mistakes. Mr. Dalby made the mistake in the use of language toward that one Indian, as he frankly says. Mr. Brosius made the mistake of suspecting altogether too much, and instead of frankly saying to Mr. Dalby what he was there for and what he believed the difficulty was, of simply taking it for granted that he was not wanted and crawling into his shell and saying nothing, and the difficulty arose right at that point.

Mr. MILLER. Well, it is hard to know what actually was said, to arrive at an exact conclusion as to what the motive was.

The SECRETARY. Of course, you can go over Mr. Dalby's reports that were sent in at the time. You have them here with these papers, and you can see what occurred, what his impressions were, and the reasons for his action.

[118] (STENOGRAPHER'S NOTE.) After the conversation, when the gentlemen had risen and were about to leave, Mr. Dalby asked to make an additional statement, as follows:

Mr. DALBY. I have overlooked a good many things said to-day, either because I did not think it necessary to take the time in answering them, or because they escaped my attention at the moment. I would like to say as to Mr. Brosius's charge of alienation of the confidence of the Indians, that Mr. Burgess also made this charge several times to me after I had made my investigation. I had no intimation and found no evidence of such a thing as I went over the reservation. What Plenty Coos said to the Indians was, "We will talk when we have big council," and I invariably said to them, when they told me this, "There will be no big council. You must talk now." Now, in all but two or three cases, they talked and they told me what they had in mind, and Alexander Upshaw, my interpreter, who had been in their confidence all along, said that he believed I had brought out everything that was worth while. The only one, I now recollect, who absolutely refused to say anything on that ground was Packs the Hat. When they referred to what Plenty Coos had said I did not take this for an answer, but went ahead, as I have just indicated, and in practically every case I brought out whatever of importance was in the Indian's mind. But I want to call attention to the fact that Plenty Coos's attitude in this matter arose not out of the difficulty with Joe Cooper, as alleged, but out of the disturbance which Mrs. Grey created, as is related in my answers.

[119] [EXHIBIT A.]

INDIAN RIGHTS ASSOCIATION, 709 PROVIDENT BUILDING,
Philadelphia, October 9, 1907.

Hon. FRANCIS E. LEUPP,
Commissioner of Indian Affairs,
Washington, D. C.

DEAR SIR: We beg leave, respectfully, to call your attention to the case of the Crow Agency, Mont., and the recent report upon the conditions there existing, of Indian Inspector Z. Lewis Dalby.

We understand, that by reason of complaints and charges as to conditions existing upon the Crow Reservation (with the truth or falsity of which we are not at present concerned), the Department deemed the matter of sufficient importance to send to the agency Inspector Dalby. In order that his investigation should be effective, it was clearly necessary that the inspector should be able to hold free communication with the Indians on the agency. Owing to an unfortunate lack of restraint on the part of the inspector at his first meeting with the Indians in council, the latter were alienated and offended, and were unwilling to have further communication with the inspector. Shortly afterwards, while the inspector was still at the agency, the agent of this association, Mr. S. M. Brosius, whose attention had also been called to the alleged abuses, arrived at the agency, in order to give such assistance as was in his power to the Government in ascertaining the truth as to the conditions existing on the reservation. You [120] are aware that for many years Mr. Brosius and his predecessors, as agents of the Indian Rights Association, have been invariably permitted by the Government to give such assistance as was in their power in the investigation of alleged abuses on Indian reservations, and for this purpose their presence upon the reservations has never been objected to, but usually welcomed. On the present occasion, however, Mr. Dalby expressed to Mr. Brosius in no uncertain terms his displeasure at Mr. Brosius's presence, and his intention of removing him if he failed to depart voluntarily. The inspector was therefore deprived, by his own action, not only of the opportunity of communicating with the Indians on terms which would enable him to receive frank testimony, but he also rejected the assistance of the accredited agent of the Indian Rights Association, whose independent sources of information would have been valuable. Mr. Brosius has laid before you, not by way of formal charges, but as a memorandum, the complaints which have come to his ears regarding conditions on the Crow Reservation, and was prepared, as he is still, to ascertain, by investigation at the reservation, how far the same are well founded.

We are informed that a large number of the Indians on the reservation have sent a petition to the Government for a reinvestigation. Under the circumstances we think it is not unnatural that the report of Inspector Dalby, for the reasons stated, could not be deemed satisfactory, either by the Indians or by those in[121]terested in their welfare. We would therefore respectfully join in the request that a reinvestigation of the conditions at Crow Reservation, Mont., be ordered by the Department.

We would also inquire whether, as intimated by Mr. Dalby, the presence of the agents of the Indian Rights' Association on the Indian reservations is neither desired

nor permitted, and whether a formal written permission from the Department is requisite to enable such agents to visit the reservations; and if so, we ask that it be granted.

We would add that Mr. Brosius and members of this committee will be glad to appear before yourself or the honorable Secretary of the Interior at any time for fuller explanation of the reasons leading to the present communication.

Yours, respectfully,

J. RODMAN PAUL,
Chairman pro tempore,
H. DUBOIS MILLER,
WILLIAM H. FUTRELL,
EDWARD T. CHILD,
E. M. WISTAR,
JOHN B. GARRETT,
CHARLES J. RHOADS,
CHARLES CHAUNCEY,
M. K. SNIFFEN,
On behalf of the Executive Committee.

MEMORANDUM.

OCTOBER 31, 1907.

Mr. Binney had a conference of five or ten minutes with the Secretary, after which the Secretary invited me to draw up a chair. Mr. Binney then drew out a manuscript, which he said contained the comments which he wished to make upon the Crow matter, after reading my reports and the papers. Before reading the paper he said that the report certainly seemed to hang together and to give a reasonable account of the situation, but that whether the report were true would depend upon whether I had really been able to get all the facts from the Indians. As to which he said of course one as totally unfamiliar as he is with the local conditions could not judge. Mr. Binney was about to read his manuscript when Mr. Garfield said that as his appointments were piling up, perhaps it would be better for Mr. Binney simply to submit his paper after it was typewritten. I suggested that it might be well for him to go over it with me, in case he wanted to have any comments or suggestions from me (which I assumed to be the case from the fact that I had been invited to listen to the reading of the paper). But Mr. Binney did not care to do this. He said, however, that there were several specific criticisms which he thought he ought to read, and proceeded to do that.

As to Heinrich's cattle, he quoted from my report as to the number of Heinrich's herd and said that Mr. Burgess had written them that the stock detective (Campbell) had been sent ahead to warn Heinrich, so that he actually did shift his herds in order that I might not tally them correctly. As to this I asked him to submit Mr. Burgess's letter. This he demurred to, saying that Mr. Burgess had not written any single letter covering this point only, but had written a number of letters covering many different matters. I suggested that he could not expect to have his information relied upon unless he presented either Mr. Burgess's letter, to which he referred, or Mr. Burgess himself. I said further that as to the specific statement about Campbell being sent ahead, I could say now that that could not be true, because Campbell had been with me throughout my trip as my camp tender. This he admitted disposed of that particular point, but he did not say whether it was completely satisfactory to him or whether he had any other basis for this criticism.

As to Bair's sheep on his permit range, he quoted generally from my report to the effect that I found no evidence that Bair had exceeded his permit and intimated that he thought I ought to have gone further into the matter and been more explicit in my report. I replied that there had been no charge, either by Mrs. Grey or by the Indians, that Bair had had too many sheep on this range; that for that reason I had dismissed the matter somewhat cavalierly, upon finding no evidence which led me independently to suspect that this permit had been abused. I pointed out that the charges against Mr. Bair relate to his sheep-feeding operations in the Big Horn-Little Horn territory, which is not covered by his permit.

In this connection I told him about the sheep-feeding question substantially as covered in my report, reminding him of the fact that it was so covered. I told him that after going through that district and taking the evidence of the Indians on this point I saw Mr. Bair and talked with him. That Mr. Bair made what I considered a very frank statement and that the facts as stated by him were even more strongly against his interest than the evidence I had already obtained indicated.

He referred to the fact that I do not take up in my report the question of Mr. Bair's relationship to Mr. Reynolds—Mrs. Reynolds being alleged to be a sister of Mrs. Bair. I told him I did not remember even to have inquired about this, and do not now in

know whe[illegible] Mrs. Reynolds and Mrs. Bair are sisters. (I have just looked over Grey's c[illegible] again and do not find that she makes this allegation and can not recall th[illegible]s ever before made to me.) But I told Mr. Binney that Reynolds readily admitted that Mr. Bair is one of his best friends and has been for years; that in fact Bair brought him to Montana from Michigan; but that Bair was on the reservation before Reynolds became agent, and that I found no reason to believe that Bair had been improperly favored by Reynolds by reason of his friendship, and that, having in mind the charges to this effect, I had been on the lookout all the time for anything tending in this direction; that as I found Mr. Bair had dealt fairly with the Indians and with the Government, I saw no reason to go further into this matter. This question is fully covered in my report.

Mr. Binney said that he realized that the making of unnecessary investigations or investigations of merely trivial charges would necessarily result in injury to the Indians. I asked him whether by this he meant that he did not wish to ask for a further investigation. To this he said that he was not thoroughly satisfied, but that his reasons at present were more or less intangible and that he was not ready to make a definite statement on that point.

To this I said that if a reinvestigation were requested I should dislike very much to oppose it, first, because such action on my part would invite criticism of myself as apparently trying to cover up something that I had done; and, second, because I am so thoroughly certain as to the accuracy of my knowledge of the conditions there that I know a reinvestigation by a fair and able investigator can not but redound to my credit personally; but that nevertheless I feel myself in duty bound to oppose a reinvestigation on the very grounds that he himself had stated, namely, that it would be necessarily a very great injury to the Indians themselves by unsettling their minds and reproducing at least in a measure the conditions which Mrs. Grey had brought about last spring and which had been so nearly disastrous to them.

To the Secretary I said that if a reinvestigation were requested, I thought he should require these gentlemen to state specifically their reasons and the information (together with its sources) upon which they base their request. To this Mr. Binney said that they had no sources of information other than those already stated, namely, the few Indians that Mr. Brosius had talked with at Parkman—Joe Cooper and two or three others—and Mr. Burgess and perhaps Mr. McCullough, of Billings.

When about to go Mr. Binney stated that the Indian Rights' Association recognized and appreciated the broad-minded fairness shown by the Secretary of the Interior in going into this whole matter in the thorough way that he has done.

In the early part of the conversation Mr. Garfield asked Mr. Binney if he had seen all the papers. He said yes, but there was one paper referred to in the report which he would like to see. I told him I would get it for him with pleasure. But he did not say what paper it was and evidently forgot the matter (as I did also), for I was with him until he finally left the office and he did not mention the matter again.

Z. LEWIS DALBY, *Indian Inspector.*

MEMORANDUM

Mr. Binney states (pp. 10–17) two grounds of charges against me upon which he bases his request for a reinvestigation of the Crow Reservation:

1. My alleged alienation of the confidence of the Indians, which prevented them from communicating with me freely.

2. My alleged refusal of assistance from Mr. Brosius and my virtual ejection of him from the reservation.

I have already answered fully both these contentions and do not wish to add to or take from that answer, but merely to comment upon some features of the record.

1. Mr. Miller, on behalf of the committee, states the following grounds (pp. 21, 22) for believing that I did not have the confidence of the Indians during my investigation: (1) The woman who represented herself as their friend (Mrs. Grey) was put in prison, (2) the missionary who is their friend (Mr. Burgess) is to be ordered off the reservation if my report is accepted, and (3) the agent of the Indian Rights' Association, "an association which has the peculiar confidence of the Indians," was ejected from the reservation for attempting to offer assistance to me. Without any comment as to the real nature of the events to which Mr. Miller refers, I wish simply to point out that the first did not occur until after the middle of July, the second has not yet occurred, and my recommendation in the premises was not written until August and could not have become known to the Indians except through Mr. Brosius, who did not see my report until some time in September, and the third did not occur until the 13th of July,

whereas practically all of my investigation was made during the month of June, and in fact all of that part to which Mr. Miller's allegations relate. In other words, matters the earliest of which did not occur until the 13th of July influenced the minds of the Crow Indians during the month of June. Christian charity suggests that I refrain from further comment.

2. As to this ground there is between Mr. Brosius and myself a clearly drawn issue of veracity as to the facts upon which it is based, and I abide that issue. But, eliminating for the present my entire testimony, I submit that a careful analysis of Mr. Brosius's own testimony will clearly show the falsity of this ground.

He says (p. 28) that he thought he would have to be very careful in this case because there was an inspector on the ground, and therefore wrote to Mr. Burgess to meet him outside of the reservation and then asked him (p. 29) to send some Indians to him outside of the reservation because he wanted to get some of the facts before coming into the reservation. When he saw these Indians (p. 30), they asked him what he thought of the condition of things, and he told them that he thought it was very serious; that he did not know what he could do; that there was an inspector on the ground.

In other words, before even coming on the reservation and after talking with only two or three Indians, whom he had had singled out and sent to him off the reservation because of their known discontent, he so far prejudges the situation as to say that it is "very serious." Furthermore he tells them that he does not see what he can do, because there is an inspector on the ground; and yet the postulate of these gentlemen's argument on this point is that he expected to cooperate with and assist that inspector.

His attitude toward that inspector is more clearly and positively shown when he says (after making a charge against the inspector and saying that he has no doubt of his ability to prove it), "I think that I assumed too much that I had a reputation with the Commissioner, and that if I should make a statement like that and claim that I could prove it there would be another investigation, and I would be given the privilege of proving it" (p. 47). Here he practically admits that so far from expecting to offer me any cooperation or assistance, as these gentlemen claim, he expected to make charges against me (which, in fact, he actually did), and to have the opportunity himself of taking part in a new investigation for the purpose of proving those charges, for this is what he offered to do in his letter to the Commissioner of Indian Affairs under date of July 23. Moreover, in that letter he not only does not in any way even remotely intimate that he had had any intention of cooperating with me in my investigation, but he clearly recommends my removal from the position of inspector, on the ground of what the Indians had told him, and not on account of any alleged refusal to cooperate with him, or misconduct toward him.

Mr. Brosius agrees with the statement of the committee in its letter of October 9, that he went to the agency for the purpose of assisting in the investigation, and that I rejected his assistance (p. 63). In reply to my question as to how he proposed to give that assistance, he says he was going to follow his usual course (p. 61) of making a report to the Commissioner of Indian Affairs (p. 67), and admits on cross-examination that he does not think he offered me any assistance at any time (p. 61).

Mr. Brosius says that his visit to the Crow Agency "was only an initial visit, and if I saw that I would probably be given an opportunity of getting any information I could come back" (p. 30). But he omits to state how he expected to find out whether he would be given an opportunity of getting information, in view of the fact that he had arrived late in the afternoon and expected to leave the agency that very night (pp. 30, 32) and had not communicated with me or any other authority on the reservation. And he admits that after I had accidentally discovered his presence and sent for him late that night he did not even then bring up in any way the question of his desire to return to the reservation (pp. 66, 67).

Mr. Brosius says that immediately after he came to my room and we had been introduced I asked him what his business was there (p. 65); that he told me he had come that evening to visit Mr. Burgess, whereupon I said, "Do you know, Mr. Brosius, you have no right on this reservation?" (pp. 32, 34, 65); that I afterwards asked him if there were any matters he wanted investigated (p. 65) and offered to place at his disposal such information as I might have gained in regard to any matter he might ask me about (p. 69), and that in reply to this offer he said, "Mr. Dalby, what might require you a very few minutes to tell me might take me two or three weeks to satisfy myself on," and that he stopped there, and there was very little more said (pp. 33, 70).

That is to say, that after practically ordering him off the reservation I then invited him to discuss with me the work that I had been doing; that although, in reply to his eminently pacific statement that he had come merely for a personal visit to Mr. Burgess, I had been brutally discourteous, yet when he intimated that he did not care

to talk with me because he could not believe me without a full and independent investigation, which would probably take several weeks, I passed the matter over in silence. In other words, the raging bull—for so I am pictured—that paws the ground and bellows at sight of a cambric handkerchief fluttering on the breeze becomes a sucking calf when a red flag is flaunted in his face.

It is perhaps unnecessary to formulate a definite conclusion from the above, for that conclusion stands out visibly without formulation.

Mr. Burgess. The letter of the Reverend Mr. Burgess, in which Mr. Brosius says Mr. Burgess suggested his coming to the Crow Reservation, is the subject of discussion on pages 51–58 of the record. On page 56 the Secretary makes the request that this letter be exhibited to him. On page 58 Mr. Binney says that the Secretary's request will be considered, and Mr. Miller states that in his judgment the letter should be exhibited to the Secretary. On page 52 I give notice that in addition to wanting this letter produced on account of its relevancy in this case, I also want it produced for another purpose.

That other purpose is for the consideration of the Secretary of the Interior in connection with what I have said about Mr. Burgess in my report of August 12 (pp. 61–73). In that report (pp. 67–68) I recite that Mr. Burgess told me he understood Mr. Brosius had been requested by the Indians to come to the reservation, but that he had not directly indorsed or aided that request. This letter of Mr. Burgess, as described by Mr. Brosius, directly contradicts Mr. Burgess's statement to me and exactly fits in with and confirms my view of the situation, as elaborated in my report. I think the Secretary of the Interior should have the opportunity to see this letter in order that he may consider its bearing in connection with that part of my report which relates to Mr. Burgess, for I believe that that part of my report is of such importance that it should not be passed upon finally, either approvingly or disapprovingly, by any lesser authority than the Secretary of the Interior. My opinions and recommendations in that matter were formulated with great deliberation and care, and the facts brought out by these gentlemen have tended not only to strengthen my reasoning and confirm its conclusions, but to emphasize the importance and wisdom of my recommendations from the point of view of the best interests of the Crow Indians.

Z. LEWIS DALBY, *Indian Inspector.*

WASHINGTON, D. C., *November 5, 1907.*

WASHINGTON, D. C., *November 5, 1907.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I respectfully request the privilege of submitting, for the sake of the completeness of the record, the following supplementary answer to certain matters touched upon by Mr. Brosius in his oral charges against me, as an addition to the oral answer made by me on October 30.

On page 36 et seq. of the record Mr. Brosius refers to the attempt of certain Indians to come to Washington last spring in company with Mrs. Grey. This matter is covered in my report of August 12, at pages 73–75.

Mr. Miller states several times (pp. 18–19) that there is a feeling on the part of a large body of the Indians that they are entirely in the power of the agent and subject to his tyranny. In this connection I desire to merely call attention to the fact that Mr. Brosius, from whom Mr. Miller derives his information, repeatedly states (e. g., pp. 29, 68) that the only Indians with whom he communicated at all were Joe Cooper and three or four others, and Mr. Miller himself explicitly states (p. 25) that Mr. Brosius met only a few people and did not gain any facts at first hand. Further in this connection, I call attention to pages 39–42 and pages 84–85 of my report of August 12, where this subject is fully discussed.

On page 40 of the record Mr. Brosius says:

"Following that, a month or two after the inspector got there, Joe Cooper was seen coming out of the Reverend Mr. Burgess's house, and the agent hailed him. Joe Cooper tells me this. He said: 'I hear that you have been talking about me again.' I do not know what reply Joe made—some evasive answer, possibly—but he called to Big Medicine, the policeman, and said, 'Put that man in jail.' He stayed there possibly four weeks or thirty days. That was exactly three months after they were thrown in jail at Sheridan, Wyo., after their arrest by officers of the reservation acting under Agent Reynolds."

and on pages 42 he says: "I have no doubt but what I can prove these statements."

The time of this alleged occurrence, as laid by Mr. Brosius, "exactly three months *after* they were thrown in jail at Sheridan," is June 16. On that day the agent

accompanied me on horseback, from Green's Ranch, on Soap Creek, to the Head Gate on the Big Horn, going by way of the Black Canyon in the Big Horn Mountains. He was with me constantly during my tour of the reservation, from June 11 to June 22, inclusive. I know that Joe Cooper was not arrested by the agent at any time during that period. I am not aware of his having been arrested at any time during my presence on the reservation, and I do not believe he could have been imprisoned even for one day without that fact coming to my knowledge. I know positively, and assert without qualification, that he was not at any time during my stay on the reservation kept in the guardhouse for any such period as "possibly four weeks or thirty days," as alleged by Mr. Brosius.

On page 42 of the record Mr. Brosius says:

"Furthermore, there is a case of an Indian having refused when brought up before Agent Reynolds, to sign a blank voucher for pay that he was entitled to, and which he was to receive through the agent, a disbursing officer of the Government; he refused to sign that blank voucher and the agent put him in jail for thirty days."

Mr. Brosius does not give the source of this information. In reply to the Secretary's question he merely refers it to the "same source that I spoke of," but the record does not enable me to reduce this to particularity. This charge was not brought to my attention during my investigation, or at any time until now, and I suggest that Mr. Brosius be requested to state the name of the Indian alleged to have been thus imprisoned and the name of his (Brosius's) informant or informants in the matter, so that I may inquire into this charge when I am on the Crow Reservation this wither in connection with the prosecution of Mrs. Grey. Mr. Brosius says "I believe it can be proven."

On page 44 of the record, in speaking of the meeting at which he alleges that I called Joe Cooper "a G—— d—— liar," he says, "they did not have just the interpreter that they wished." I see from an examination of the record that I neglected to answer this as directly as I should. The interpreter at that meeting was Alexander Upshaw. He was one of the Indians who signed the telegram requesting me to come to the meeting. He was the officially chosen interpreter of the Indians themselves. No question was raised in that meeting as to his interpreting, or ever at any time by any of the Indians. It is true that Mrs. Grey accused him of interpreting falsely at a previous meeting; but on that occasion all the other interpreters present agreed in stating that he had interpreted faithfully and accurately. Mrs. Grey was the only person who at any time objected to Alexander Upshaw's interpreting, and she was not present at the meeting to which Mr. Brosius refers in this statement.

In view of the issue of veracity between Mr. Brosius and myself as to what occurred in my interview with him on July 13, I deem it wise to submit extracts from contemporary records made by me touching this occurence.

On the very next day (July 14) after Mr. Brosius's visit I wrote to the Department about it. That entire letter has already been submitted to Mr. Binney, but I wish to incorporate herein the following extract from it:

"I sent word to Mr. Brosius that I had just heard that he was here for some purpose connected with the Indians and that I should be pleased to talk with him at my room. In response to my question he said that he had not come here to see Mr. Burgess about any matter connected with the Indians, but merely to call upon him as a personal friend whom he had not seen in several years; that he had seen Mrs. Grey, but when or where or what they talked of he would not state; that he had some matters in connection with the reservation that he might or might not submit to the Indian Office for investigation. I told him that if he would tell me the matters he had in mind that might need investigation I would look into them, or if I had already looked into them I would tell him what I had learned, my idea being, of course, that if in good faith he knows of anything wrong he should cooperate with me to bring out the facts. He declined to discuss the matter with me at all, however, and in that decision I of course acquiesced; but I urged him if he had any matters to submit to the Department to do it at once, and this he promised to do."

The following is a verbatim transcript from the entry in my journal under date of July 13, which I made within a few hours (certainly less than twenty-four hours) after the occurrence of the events recorded:

"In the evening about 9 o'clock, on my way to the depot to mail a letter to * * * met Major Reynolds and Mr. Bailey on the bridge. Stopped and talked with them awhile. While we were there Big Medicine called Reynolds away. The following developed: Samuel M. Brosius, agent of the Indian Rights Association (McGill Building, Washington), arrived from Billings on 42, in company with Russell Whitebear, and went to Mr. Burgess's. Burgess had already gone to Albert Anderson's to hold a meeting with the Indians, supposedly religious. As I afterwards learned, this meeting was not a success, only Albert Anderson and Russell Whitebear being present.

"Wr Brosius by Major Reynolds asking him to come to see me at my I questioned him. He was noncommittal and antagonistic. In s, he admitted having seen Mrs. Grey, but declined to say when or or w talked about. He denied having come here for the purpose of Burgess on any Indian matters, but said he came to call upon him as a per- end, as he had not seen him for several years, and that Burgess did not even was comi g. I asked him if he had any matters in regard to the Indians on rvation th he thought needed investigation, and said that if he would ask me ut any such I w uld try to tell him what the situation was, as I had made a pretty rough investigat on. He declined to discuss any matters at all, saying that if he it would take a long time, and probably a couple of weeks, to satisfy himself about conditions. I said that as to that of course he could not make an investigation on reservation without authority from the Department. This he said he understood, that he had no such authority now. I asked him what course he would pursue case he had any matters which he concluded should be investigated. He said he uld refer them to the Commissioner of Indian Affairs. I asked him then please to d them along as soon as possible, and this he agreed to do.

"I asked him during the early part of the conversation if he was aware that an investigation was in progress on the reservation. He said yes. I asked him whether it was his custom in going upon a reservation to go to the authorities. He said no; he went to the Indians first. I asked him if he had been to the Indians on this reservation. He said no.

"Whenever I brought up the question of what Mrs. Grey had told him or what charges he might have to make for investigation he declined absolutely to discuss the matter. I offered to give him the results of my investigation in regard to any matters that he would mention. He declined to mention any, but said I might go ahead and tell him about things generally if I wished. This I declined to do, saying that I would not fire at random, but if he would mention any specific thing I would do my best to tell him all about it. But he declined to do this. I asked him if he expected to see Mrs. Grey again. He said no. He said he took no stock in Mrs. Grey whatever, and that if he submitted any charges it would be done on his own responsibility and without any reference to her or her charges. He said he was going to Sheridan on No. 44 in the morning. He said he just was going there for his mail as he expected some mail there, and would return through here to Billings. That he had a ticket west from Billings."

In this connection, and in view of the fact that the record shows Agent Reynolds to have been present at the interview in question, I also submit copy of my letter of October 23 to him (marked "Exhibit A") and copy of Agent Reynolds's reply thereto under date of October 27 (marked "Exhibit B"). While Agent Reynolds's letter is dated October 27, the envelope in which it was received seems to indicate (the postmark is somewhat blurred) that it was mailed at Crow Agency on October 29, and received in Washington November 2.

I submit also an extra copy hereof for transmission to Mr. Binney on behalf of the Indian Rights' Association.

Respectfully submitted.

Z. LEWIS DALBY, *Indian Inspector.*

Sworn to and subscribed before me this 5th day of November, 1907.

W. BERTRAND ACKER,
Notary Public in and for District of Columbia.

[EXHIBIT A.]

WASHINGTON, D. C., *October 23, 1907.*

MY DEAR MAJOR REYNOLDS: Will you please write me, as soon as you can, a statement of your recollection of just what occurred in connection with Mr. Brosius's visit to Crow Agency on July 13. State particularly your recollection of what occurred during the conference between me and Mr. Brosius. Some question has been raised about this matter, but I purposely refrain from giving you any more explicit information on the subject, so that your statement may be made entirely without any suggestion from me.

I have had some talk with the Indian Office in connection with my report, and while the whole of it has not yet received consideration, I believe the questions of the hospital and the additional bathing facilities for the Crow Agency School have been taken up with you. I have not yet been able to learn whether you have taken

up Mr. Bair's matter with the office or not, or whether you have yet made a request for authority to construct a guardhouse. I think these things should receive consideration, and possibly they have already.

I have not yet heard from Mr. Rasch as to when the grand jury meets, but I expect to be in Montana at that time and hope to have the pleasure of seeing you. With best regards, I am,

Very sincerely yours,

Z. LEWIS DALBY, *Indian Inspector.*

Maj. S. G. REYNOLDS,
Indian Agent, Crow Agency, Montana.

[EXHIBIT B.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., October 27, 1907.

MY DEAR MR. DALBY: Yours of the 23d came this morning. The notes I made of Mr. Brosius's visits to the agency have been mislaid or lost. I will have to trust to memory in stating what conversation took place between yeu and him in my presence. At your request I went to Mr. Burgess's house and saw Mr. Brosius. I gave him a note from you and told him that you had just learned he was at the agency and was to leave on the night train going east and that you would like to see him at your room. He joined me and came to your room. After friendly greetings you told him you were sent here for the purpose of investigating affairs on the reservation; that you would be glad to have him give you any information he might have that needed investigation. You told him if he had anything he wished to tell, you would request me to leave the room during the conversation. He said he preferred not to go into any matters, he had merely stopped over to see Mr. Burgess and family; that they had been friends for a number of years. He had not seen them for a number of years and had stopped over one train on his way to Sheridan where he had ordered his mail sent. From Sheridan he was going west to the coast. You asked him if he had come here at the request of Mr. Burgess or Mrs. Grey. He said he had not, that he had had nothing to do with Mrs. Grey; that he did his work independent of anyone, and looked into matters to convince himself before taking any steps. You asked him if he reported to officers in charge before commencing work on a reservation. He said he did not; instead he went directly to the Indians. You asked him if he had been among these Indians. He said he had not. You told him you would be glad to go over with him what you had learned during your investigation, and if he had anything that you had not learned that needed investigation, you would go into the matter at once. He said he preferred not to go into your investigation, that it would take too long; that he was anxious to get his mail from Sheridan and go on west. You asked him if he had any matters here that he would take up. He said he did not know, he might. He said he and Commissioner Leupp were good friends and he usually took matters up with him. You told him you would be here until about August 1, and if he had any matters to take up you would be glad to have him do so in time for action before you left. He told you if he decided to take up any matters pertaining to his visit here that he would do so at once.

The night being very dark you and I got a lantern and went with him back to Mr. Burgess's. On the way the conversation related mostly to the Mohonk conference. Mr. Brosius said he would be glad to see us both there. In our friendly parting we both extended to him an invitation to stay over and visit the reservation. He said he would very much like to, but he did not have time.

The Bair matter guardhouse, hospital, and school baths recommended in your report have received consideration from the Indian Office. Mr. Bair's proposition was accepted and authority has been granted me to build the guardhouse. I hope you will have time to visit the reservation when you come out this fall. I know you will be much pleased with what the Indians have done this summer. I consider them in better shape for winter than ever before since I came here. Our fair was a big success and the showing was better than last year. I have heard nothing from Mr. Rasch since I was in Helena. I am subpœnaed to Cheyenne for the 12th of November on two whisky cases. Mrs. Grey was released on bail about October 10. Bail was furnished by some eastern friends, so I heard.

I trust this will find you and your family in good health.

Very sincerely,

S. G. REYNOLDS,
United States Indian Agent.

To Z. LEWIS DALBY,
Indian Inspector, Washington, D. C.

INDIAN RIGHTS' ASSOCIATION,
709 Provident Building, Philadelphia, November 6, 1907.

Hon. JAMES RUDOLPH GARFIELD,
Secretary of the Interior, Washington, D. C.

DEAR SIR: In compliance with your request, after the hearing which you accorded us on Wednesday last (October 30), Mr. Binney, president of the Indian Rights' Association, carefully studied Mr. Dalby's report (most of which he had already seen, in an accurate copy) and he finds the treatment of the several subjects deserving of comment as follows:

A peculiar characteristic of the report, as of Mr. Dalby's letters in connection with the matter, is his uniform condemnation of everyone on the reservation whom he refers to as making statements contrary to the conclusions which he (Dalby) has reached. Thus, on page 8, he says: "Peters has the general reputation of being a scoundrel, and nobody who knows him will trust him or believe him."

Similarly, Dalby's letter of July 14, 1907, says: "Joe Cooper is a worthless and disreputable half-breed;" and the letter of July 15, 1907, also refers to Doyle as "worthless and disreputable."

Equally sweeping are many of the criticisms of Mr. Burgess, e. g., that "he has not the force of character to exercise upon the Indians any positive and direct influence for their good when they show inclination to discontent, but he is always influenced and swayed by them instead, regardless of whether they are right or wrong" (p. 70).

In this connection, the sweeping statements as to the immorality of the Crows (e. g., that "virtue does not exist" among the women) may be referred to as going beyond any knowledge that Mr. Dalby's brief stay among them could possibly give.

Such broad generalizations indicate the opposite of a judicial mind, and undoubtedly lessen the credence that might otherwise be given to the report.

One of the important charges was that Mr. Heinrich had had more cattle on the range than he should have had. The report states that this matter "could hardly be determined without investigation on the range (p. 8, line 4), but apparently no such investigation was made; certainly none in regard to former years. Mr. Dalby received Heinrich's own statement of the number of cattle then on the range, which statement he (Dalby) accepted as "fair and approximately correct," on the strength of his "observation upon the ground" and his "inquiries generally." It does not appear who furnished the response to these general inquiries; but as to Mr. Dalby's own observation, he states (p. 8) that "Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle." Now, Heinrich must have known that he was being investigated, and it is entirely possible that he may have shifted his herds in spite of all Mr. Dalby's precautions. If Heinrich was the kind of man who would exceed his grazing rights, he would certainly use every effort to post himself in regard to an inspector's probable movements.

On page 9, last five lines, the report refers to Leider's information as to Heinrich's payments to various Indians for grazing rights, but states that Mr. Dalby received this information too late to verify it by inquiry of the Indians themselves. This fact makes Leider's memorandum book of little value, and "the absence of complaint by the Indians" as to this matter would only be conclusive on the assumption that they confided fully in Mr. Dalby and did not fear to tell him all they knew.

On page 18, Mr. Dalby states that the Indian Office had advised the agent, under date of April 7, 1905, that the Indians should sell their hay "in the open market." He reasons that this was impracticable, because the distance from the railroad rendered the cost of transportation to an "open market" prohibitive. In consequence, he states, "the agent took the matter up with Mr. Bair and a number of other sheep men," and finally made a certain arrangement with Mr. Bair. It is unfortunate that the report fails to state what other sheep men the agent consulted, and that no inquiry seems to have been made among these sheep men themselves. If an "open market," in the strict sense, was impracticable, the agent should at least have given all possible publicity to the transaction, inviting bids from as many persons as possible, so as to prevent any chance of Mr. Bair's securing an unfair monopoly. All this may have been done, but the report is too meager on this point to be convincing, in view of the intimate friendship which we believe is not denied to exist between Mr. Bair and the agent.

On pages 39 to 57 the report deals with various matters in regard to the management of the agency, and makes a number of recommendations which seem desirable; but the treatment of the illegal trading carried on by Mr. Miller (p. 55) seems to underestimate the seriousness of the offense. We submit that it was much more than a mere technicality. The report gives Mr. Miller a certificate of good character, although, in reporting with regard to Mr. Burgess, Mr. Dalby admits that he declined to reinves-

tigate the charge of immorality against Mr. Miller, which charge Mr. Burgess believed should be reinvestigated.

The report passes very lightly over the charges of harsh treatment of the Indians by the agent. It is unfortunate that these charges were made by a woman whose accuracy may be open to doubt, but as Mr. Dalby found it necessary to suggest a number of reforms in regard to matters to which she had called attention, it would seem reasonable that in dealing with the charge of harsh treatment the report should dwell more upon specific facts, as distinguished from Mr. Dalby's opinion.

A very unsatisfactory feature of the report is the recommendation for Mr. Burgess's removal. The tone taken in regard to him seems to be nothing less than vindictive. It is submitted that Mr. Burgess's twelve years' residence and work among the Indians, and his apparently unimpeached character deserve some consideration; and it is simply astounding that Mr. Dalby should "recommend that the American Missionary Association be requested to withdraw Mr. Burgess from the Crow Reservation," without any suggestion that an opportunity be first given him to be fully heard in his own defense, after notice of all that Mr. Dalby alleges against him, and with an opportunity to procure such testimony as he may desire.

As to Mr. Dalby's statement in regard to Mr. Brosius, made in that portion of the report which relates to Mr. Burgess, you have heard the statements of both, and will be able to reach your own conclusions as to the points on which those statements differ.

So much for the specific criticism of portions of the report, much of which was already familiar to some of our executive committee in copies furnished us by our Washington agent through the courtesy of your Department.

But we should be unjust to you and to ourselves if, in view of the opinion which we hold, we limited our criticism of this subject to the points above mentioned. Your frank and courteous treatment of our committee necessitates our being equally frank in the expression of our opinion upon this important subject, for it is only by honestly stating just what we think that we enable you to see our point of view and to see all sides of the question.

Five members of our executive committee had the opportunity of seeing and hearing Mr. Dalby, and of judging, by his own statements and demeanor, of his fitness for the delicate task assigned to him. We are unanimously of the opinion that he showed himself, by his own confession, utterly unfit for the task to which he was assigned. What his previous qualifications may have been we do not know, beyond the statement you made that he had been your private secretary and that you had entire confidence in him. We do not doubt that in that capacity he was worthy of your entire confidence and that he is admirably fitted for any similar position, but we respectfully remind you that the position of an inspector of an Indian agency, upon whom devolves the duty of determining the truth or falsity of the charges which he is sent to investigate, requires qualities of a very different order. The office is essentially a judicial one. The inspector has on the one hand an agent with practically autocratic power, and on the other a semicivilized and almost subject race. The relative positions of the parties to the controversy make it at best a difficult matter to obtain evidence against the administration. The man who essays the rôle of judge under such circumstances needs not only the judicial temperament, a cool head, and impartial judgment, but such a manner and bearing as will inspire confidence and tend to draw out, not only the blatant and noisy volunteer, but the shy and modest witness whose testimony, when elicited, may be the most important. Measured by such a standard, we submit that Mr. Dalby is conspicuously a failure in this position. We need appeal to no proof but such as he himself furnished. No other person could more graphically have depicted the scene at Lodgegrass, where, without any provocation he swore at one of the first witnesses and asserted that he did not believe him; and his explanation to the Camp Indian who took him to task for the use of such language sounded to us both lame and inadequate, to say the least.

The position of an Indian agent is necessarily one of great power, and if he be willing to abuse that power he can easily terrorize an Indian who undertakes to oppose him in any way. Hence, no Indian is likely to give any evidence implicating an agent unless such Indian fully trusts the investigator and believes that he will protect him against the agent's resentment. Unless such trust exists the Indian will take refuge in silence. In the present case, the inspector practically admits having lost the confidence of the Indians, but he claims to have afterwards regained it. Now, it is well known that Indians are very slow to give their confidence again after once withdrawing it, and Mr. Dalby's own statement indicates a temperament which, to say the least, does not invite confidence. Such an unfortunate "mistake," as Mr. Dalby himself characterizes it, might possibly, after a long time, be lived down and forgotten, but it is not within the bounds of possibility that it should be either forgotten or minimized in the few remaining weeks of Mr. Dalby's stay upon the reservation.

What, then, is the value of the report which he has made? Well written it may be; honestly compiled from the evidence submitted to him it may be, but absolutely without reliability it certainly is; for by his own act he had cut himself off from the sources of information. The fact that he conversed with 80 per cent, or any other number, of the adult male Indians on the reservation, means nothing unless there is reasonable ground to suppose that he really got at their whole mind. We have every reason to believe the contrary.

We recognize the gravity of the case and the objection to creating any unrest on the reservation by another investigation so soon upon the heels of the last, and yet we sincerely believe that in the interest of the Indians, which we are convinced you have at heart, it would be better to endure that for a season rather than to permit these Indians and the whites in or near to the reservation to believe that the Department is willing to accept as final a report based upon such inconclusive evidence. If it is true that there is little or nothing to correct, no harm can come to anyone but a temporary unrest, while the restoration of confidence in the absolute justice of your Department will far more than counterbalance it. These Indians seem to have confidence in our association. We will gladly render any service to your inspector that is in our power, if our agent is afforded an opportunity of conferring with those who make complaints. If the inspector is such a one as possesses the qualifications which must be recognized as essential, he will be competent to determine the truth or falsity of the charges when he has heard the evidence. We are sure that such a man is in your service, and we feel that in a matter of this importance the best can be none too good. We must frankly admit that we can not now present any positive evidence to contradict the conclusions of the report (the circumstances of the case having made it impossible for us to pursue our own inquiries), and that we do not know upon what offer of evidence a petition of certain Indians, recently made, as we understand, for a reinvestigation, is based; but we submit that in the present case such evidence ought not to be held an indispensable preliminary, and we therefore again respectfully urge upon you the importance and the wisdom of sending out the best man in the service to restore confidence and elicit the facts.

We can not close without thanking you for the courtesy with which you received our committee, and the patient hearing which you gave to them.

We are, with great respect, very truly, yours,

CHARLES C. BINNEY.
HERBERT WELSH.
per S.
E. M. WISTAR.
MATILDA MARKOE.
N. DUBOIS MILLER.
EDWARD T. CHILD.
CARL E. GRAMMER.
MARIA M. COXE.
M. K. SNIFFEN.

WASHINGTON, D. C., *November 8, 1907.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have read the letter dated November 6, signed by Charles C. Binney and others, and desire to make the following comments thereon:

On the first page of the letter Mr. Binney says:

"A peculiar characteristic of the report, as of Mr. Dalby's letters in connection with the matter, is his uniform condemnation of everyone on the reservation whom he refers to as making statements contrary to the conclusions which he (Dalby) has reached. Thus on page 8 he says: 'Peters has the general reputation of being a scoundrel, and nobody who knows him will trust him or believe him.'

"Similarly Dalby's letter of July 14, 1907, says: 'Joe Cooper is a worthless and disreputable half breed;' and the letter of July 15, 1907, also refers to Doyle as 'worthless and disreputable.'"

Mr. Binney says that it is a characteristic of my report that I uniformly condemn everyone on the reservation to whom I refer as having made statements contrary to my conclusions, and refers to one alleged instance. If Mr. Binney had correctly described the instance to which he referred, that single instance would still have been an insufficient basis for his predication of a "uniform" practice. But the instance which Mr. Binney cites does not bear out his statement, even accepting his quotation as a fair one, for I merely state what Peters's reputation is on the reservation, and do not even express my own opinion. As I was then discussing the origin of certain charges the investigation of which I was about to discuss, I submit that it was proper that I should

in that connection describe, as nearly as possible, the source of those charges. My statement as quoted by Mr. Binney will not be disputed by anyone having direct knowledge of the facts. The entire paragraph from which Mr. Binney has quoted in this connection (p. 8 of my report) is as follows:

"In her charges submitted to the President, Mrs. Grey insinuated indirectly and rather by way of innuendo that Mr. Heinrich was running more cattle than he was paying for. I found some suspicion of this kind in the minds of some of the Indians. But as the Indians have little or no knowledge of Mr. Heinrich's rights in the premises, and are therefore hardly qualified to say whether he has exceeded them, I have suspected that their feeling in this matter arose largely if not entirely from Mrs. Grey's suggestion. I was strengthened in this suspicion by the fact that these Indians were not Heinrich's neighbors, while his neighbors had no such opinion to express; and I was practically confirmed in it when the same charge was made to me by a squaw man named Peters. I think it quite probable that it was upon Peters's statement alone that Mrs. Grey based her charge. Peters has the general reputation of being a scoundrel, and nobody who knows him will trust him or believe him."

Mr. Binney's language above quoted refers quite as sweepingly to my letters. The two letters to which he refers were my reports to the Department upon Mr. Brosius's visit to Crow Agency on the evening of July 13, and in the statements from which Mr. Binney quotes I was giving the Department such information as I possessed as to the character of the people with whom I knew Mr. Brosius had talked, and upon the strength of whose statements I had reason to believe he would communicate with the Commissioner of Indian Affairs. I beg to give somewhat of the context of the statements which Mr. Binney has thus imperfectly quoted.

In my letter of July 14 I said:

"Immediately afterwards Joe Cooper went to Parkman and was present at the meeting with Mrs. Grey and Mr. Brosius. Joe Cooper is a worthless and disreputable half-breed who has been one of Mrs. Grey's tools from the beginning."

In my letter of July 15 I said:

"He (Joe Cooper) also said Tom Doyle talked with Brosius. Doyle is a worthless and disreptutable squaw man, who recently served a term in the penitentiary for giving whisky to Indians."

These statements were true when first made, and they are still true. Had I failed thus frankly and immediately to acquaint the Department with my knowledge in this connection I should have been worthy of criticism. Mr. Binney's criticism apparently arises from the fact that I endeavored in these cases, as in all others, to state the exact truth without any reservation whatever, for he does not question the accuracy of either of these statements. As to the latter, I quote from Mr. Brosius's testimony (p. 60 of the record), without comment, as follows:

"Mr. BROSIUS. I remember his name now; it was Doyle. He told me about his trouble with the agent. The agent had him arrested for selling whisky. He said the agent did not like him and got him into all sorts of trouble. I saw then that he was just such a man as most every white man on a reservation, and he was arrested for bringing whisky on the reservation. He said that everybody else got whisky for their own personal use, but he was singled out and punished because the agent did not like him. I get information from people that are subject to persecution, and possibly justly to prosecution, by the Government at some times."

But Mr. Binney goes outside the facts in this statement. The gravamen of his charge is manifestly that I condemned men for disagreeing with me as to the facts. At the time these letters were written I had no knowledge, and the record (which was in Mr. Binney's possession) clearly shows that I had no knowledge of what these men had said to Mr. Brosius. Even now Mr. Brosius has not yet alleged anything that Doyle said contrary to any conclusion which I reached in my report; and as to Joe Cooper, Mr. Brosius's allegations are quite too vague to admit of a comparison of Joe Cooper's statements to him with the conclusions in my report for the purpose of determining whether they are contradictory or not.

Continuing, Mr. Binney says:

"Equally sweeping are many of the criticisms of Mr. Burgess, e. g., that 'he has not the force of character to exercise upon the Indians any positive and direct influence for their good when they show inclination to discontent, but he is *always influenced and swayed by them* instead, regardless of whether they are right or wrong' (p. 70)."

The language quoted occurs on page 69 and not on page 70 of my report, and the underscoring is Mr. Binney's, not mine. The entire paragraph of which Mr. Binney has quoted the last four lines is as follows:

"Not only does Mr. Burgess believe the Indians without discrimination, but having thus gotten a belief in his head it is impossible to get it out, as the facts I have recited plainly show. Nothing is res judicata with him, and he is always ready to reopen and

thrash over any matter in which the Indians' story has not been confirmed. I am confident that in such cases he has encouraged the Indians to believe that they are dealt with unfairly, and that he has thus fostered an unreasoning feeling of discontent. He has not the force of character to exert upon the Indians any positive and direct influence for their good when they show inclination to discontent, but he is always influenced and swayed by them instead, regardless of whether they are right or wrong."

But this subject can not be properly judged without carefully considering the whole of that part of my report (pp. 61-73) which deals with Mr. Burgess. I see no reason to abate one iota the full and careful and frank discussion there given.

On the fourth page of this letter Mr. Binney says: "The tone taken in regard to him (Burgess) seems to be nothing less than vindictive." I am quite willing to submit to the judgment of any competent and unprejudiced reader as to whether this subject is not discussed by me in my report not only logically and impersonally, but impartially and dispassionately. (It must, of course, be remembered that Mr. Burgess is a member of Mr. Binney's association, and one of the principal sources of his alleged facts as to the conditions upon the Crow Reservation.) I might well ask Mr. Binney what reason he thinks I had for vindictiveness toward Mr. Burgess. Whatever Mr. Binney may think as to my feeling toward Mr. Burgess now, he must know that at the time I wrote my report (which is dated August 12) Mr. Burgess had certainly not injured me in any way, and I can not be supposed to have had at that time any reason to think that he would be instrumental in causing charges to be filed against me by the Indian Rights Association. Furthermore, you, sir, will remember that even when I talked with you in Billings on the 26th of June I told you that I was already beginning to consider whether Mr. Burgess's influence were not such that the best interest of the Crow Indians required that it should be eliminated. The incipient conviction which I then expressed to you was based entirely upon my observation of the man in his relations to the Indians and his previous relations to Mrs. Grey. Nothing had then occurred to which even Mr. Binney could attribute such personal animosity on my part as would give rise to a feeling of vindictiveness. In justice to you and to others who know the value of my word, I say that neither my discussion of nor my recommendation concerning Mr. Burgess arose out of or was accompanied by the slightest vestige of personal feeling. It may indeed be "simply astounding" to Mr. Binney that I should deliberately make a recommendation knowing that if acted upon it would inevitably invite the most virulent kind of criticism of me, simply because I believed that the facts in the case made it my duty to make such recommendation. That, nevertheless, is the exact truth. And my guiding principle in this, as in other matters, was that the best interests of the Crow Indians should be paramount to all other considerations, except justice, though of course the best interests of the Indians can not really be subserved by injustice. Before formulating my recommendations I learned from Mr. Burgess himself that he had no investment on the reservation in other than movable property. The concluding paragraphs of my discussion of this subject (p. 72 et seq.) are as follows:

"Perhaps further comment is unnecessary. It is very unpleasant to have had to write so much on this subject. But my work here has led me quite reluctantly to a very positive opinion, which I deem it my duty to voice in a very positive recommendation. At the same time I am well aware of the delicacy of this matter, and that the action I recommend will excite if not invite criticism, and I have therefore felt compelled to go into the subject at sufficient length to make the situation perfectly clear, even at the risk of becoming tiresomely prolix.

"I have studied this man and his work most earnestly, and I am very reluctantly forced to the conclusion that the best interests of these Indians will be subserved by his withdrawal from the reservation. His presence has made my work of investigation more difficult; his influence and his virtual (and to some extent active) cooperation materially aided Mrs. Grey in bringing about the unhappy and almost disastrous conditions which existed here this spring. From my experience with and study of the man and his mental processes, I have no hesitation whatever in saying that he will be ready at any time to take the same position and exert the same influence again under similar conditions, and in the meantime his influence among the Indians not only has no visible beneficial effect upon their progress toward civilization, but in many cases has an actually retarding effect by fostering a spirit of discontent and idleness. I do not believe that a man of his peculiar mental make-up is fit to be in any position of influence among any class of Indians. I therefore recommend that the American Missionary Association be requested to withdraw Mr. Burgess from the Crow Reservation. I understand that the Rev. J. W. Cooper, D. D., 287 Fourth avenue, New York, is the corresponding secretary and executive head of this society.

"In this connection I venture to suggest that if the American Missionary Association desires to send a successor to Mr. Burgess he should be, in my opinion, a man of

not over 40, preferably married, of good common sense and sound business judgment, and with some knowledge of farming and the normal conditions and needs of agricultural communities. Previous knowledge of Indians is of far less importance than good judgment, open-mindedness, and straightforward energy of character and earnestness of purpose. The priests of St. Xavier Mission have produced a grammar and dictionary of the Crow language, of which I have no doubt copies might be obtained. The learning of the language is not a matter of great difficulty, and in the meantime there are plenty of interpreters. And there is work enough to stir the enthusiasm of an able, energetic, and devoted man."

Returning to the first page of Mr. Binney's letter, I quote:

"In this connection, the sweeping statements as to the immorality of the Crows (e. g., that 'virtue does not exist among the women') may be referred to as going beyond any knowledge that Mr. Dalby's brief stay among them could possibly give."

Again, Mr. Binney has taken my language out of its setting, and has thus given it an entirely different color from that which it has in the report. I give below the whole paragraph from which Mr. Binney quotes and call attention to the fact that this paragraph is but a part of a somewhat extended discussion of "general conditions," the main theme of which is the tracing of the various causes of the well-known fact that the Crows, as a race, are rapidly decreasing. I quote from page 58 of my report, as follows:

"*Immorality.*—The Crows appear to have been originally, and for the most part they are still, abominably immoral. Perhaps it would be more nearly correct to say that they are unmoral, for they appear to be utterly devoid of any moral sense in connection with their sexual relations—to be totally innocent of any ethical conception which might result either in an impulse toward personal purity or a restraint of licentiousness. They utterly fail even to perceive any moral difference between purity and impurity. They respect equally the most abandoned prostitute and the untouched maiden—I had almost said the most virtuous maiden, but that would be inaccurate, for virtue does not exist. I have not heard of a single case where a female Crow, even a school girl, fresh from the influences of good women, has offered the slightest resistance to sexual advances from any source. They are absolutely promiscuous in their sexual relations, and incest is common."

On page 2 of his letter Mr. Binney says:

"One of the important charges was that Mr. Heinrich had had more cattle on the range than he should have had. The report states that this matter 'could hardly be determined without investigation on the range' (p. 8, line 4), but apparently no such investigation was made, certainly none in regard to former years."

Again Mr. Binney distorts and misrepresents my report. After presenting a carefully prepared table showing the details of every permit which Mr. Heinrich had at any time enjoyed upon the reservation, beginning in 1899 and coming down to the present time, I say (p. 8):

"The above table shows clearly the grazing rights which Mr. Heinrich was at any time entitled to enjoy, and how those rights have gradually and steadily grown. Whether he exceeded those rights at any time could hardly be determined without investigation on the range."

Mr. Binney is quite right in one particular: I made absolutely no attempt to project myself into the past for the purpose of making "an investigation on the range" in any former year. But as to my investigation upon the range in the present year I distinctly state (page 8), and Mr. Binney's language further on in the same paragraph shows that he saw the statement:

"About the middle of June I rode through Mr. Heinrich's winter range where his cattle were still held, having been unable to get across the mountain on account of the snow. In going through the range I kept a rough tally of all the cattle I saw. I counted in all about a thousand head, which included about 250 or 300 Indian cattle. At this time Mr. Heinrich was entitled to have upon this range 3,200 head. I had examined about one-third of the entire range, on which he was then running cattle and had found not more than one-fourth the number he was entitled to have upon the entire range. Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds, and when I rode through his range he did not know that I was tallying his cattle. As I had seen the very heart of his range, and the most attractive part of it (along the water courses), I deemed it so improbable that the entire number of cattle on the range would exceed the number authorized by the permits that I considered further investigation unnecessary. Mr. Heinrich's dealings with the Government under his formal permits I believe to be beyond criticism."

Mr. Binney goes on to say, in the paragraph from which I last quoted:

"Mr. Dalby received Heinrich's own statement of the number of cattle then on the range, which statement he (Dalby) accepted as 'fair and approximately correct,'

on the strength of his 'observation upon the ground' and his 'inquiries generally.' It does not appear who furnished the response to these general inquiries; but as to Mr. Dalby's own observation, he states (p. 8) that 'Mr. Heinrich did not have such notice of my coming as would have enabled him to shift his herds and when I rode through his range he did not know that I was tallying his cattle.' Now, Heinrich must have known that he was being investigated, and it is entirely possible that he may have shifted his herds in spite of all Mr. Dalby's precautions. If Heinrich was the kind of man who would exceed his grazing rights, he would certainly use every effort to post himself in regard to an inspector's probable movements."

You will remember that on October 31 Mr. Binney made a somewhat similar statement to you in my presence, different, however, in the following particular: He said then that Mr. Burgess had written (evidently after having been advised of the language of my report) that the stock detective, Campbell, had been sent ahead to warn Mr. Heinrich of my coming, so that he could shift his herds. You will remember that I at once asked Mr. Binney if he would produce the letter in which Mr. Burgess made this statement, and that in reply Mr. Binney said that Mr. Burgess had not written any single letter devoted to this particular subject, but had written a number of letters upon various subjects connected with the investigation; and that he declined to produce any of them on the ground that they were private letters. You will also remember that I then said to Mr. Binney that as to the particular statement of Mr. Burgess's which he had quoted I was even then able, of my own knowledge, to say that it could not possibly be true, for the reason that Mr. Campbell had been with me continuously as my camp tender from the time I left Crow Agency on June 11 until I returned to that point after visiting Mr. Heinrich's range. You will also remember that Mr. Binney replied to this, in substance, "Well, that certainly disposes of that." I furthermore told Mr. Binney at that time, as you will recall, that the only more effectual means than that which I had adopted of determining with certainty and exactness the number of Mr. Heinrich's herd would have been to cause his cattle to be rounded up and counted. I pointed out that this would have been very expensive, and that after the investigation I had made, with the results stated in my report, I deemed this expensive proceeding unnecessary. (I may remark, parenthetically, that any man familiar with the cattle country will agree to the correctness of that judgment.) In view of the facts above recited, the futility of any honest attempt to answer Mr. Binney must be perfectly obvious.

As to Mr. Binney's quotations from my report, as above recited, in regard to my acceptance of Mr. Heinrich's statement of the number of his cattle as "fair and approximately correct," I am compelled to say again that Mr. Binney has once more wrenched my language from its context, and thereby essentially misrepresented my statements. As will appear from the full text of the paragraph from which he quotes, as given below, I was then discussing, not the herd upon Mr. Heinrich's regular permit range (which discussion had been concluded on the preceding page), but the number of cattle which he was then running upon certain allotted lands under arrangements made directly with the Indian allottees. The entire paragraph is as follows (page 10):

"Under these various arrangements direct with the Indians Mr. Heinrich has acquired an apparent right to run 1,390 head of cattle in addition to those covered by his regular grazing permits, making a total of 4,590 on the reservation. When I saw him in the middle of June he told me that he had actually put upon the reservation 4,375 head, and estimated that after deducting his losses by various casualties he could tally out not more than 4,200. From my observation upon the ground and my inquiries generally I am inclined to accept this statement as a fair one and approximately correct, though of course I cannot vouch for its absolute accuracy. I am prepared to state, therefore, that if we recognize the rights which Mr. Heinrich claims to have acquired by direct dealings with the Indians, as above described, he has not exceeded his rights or abused his privileges."

My "observations on the ground" were not, proportionately, anything like so extensive in this connection as they had been in connection with Mr. Heinrich's permit range. The subject-matter of inquiry was a class of individual arrangements with the Indians, which if correct in principle the Department would encourage and would leave to the Indians themselves to administer. I contented myself therefore in this connection very largely with "inquiries generally" among the Indians in the region concerned, for, as I state in my report, I did not have the details as to names until afterwards, when I sent for Carl Lieder and examined him on the subject. And I may further state, for it is not stated in my report, that these arrangements were brought to my attention by Mr. Heinrich himself, as they had not been the basis of any charge or any complaint from any source. Mr. Binney has evidently missed the point that my discussion on this subject, which covers several pages (pp. 9–11), concerns itself not so much with the mere detail of whether Mr. Heinrich had run more

cattle than he was entitled to under these arrangements, as with the essential principle whether Mr. Heinrich, or anybody else, should be permitted to deal thus directly with the Indians "without the full knowledge and express consent of the agent." This discussion is concluded as follows (p. 11):

"The agent should pass upon such arrangements not only as to their essential fairness to the Indians but as to the character of the man who proposes thus to deal directly with them. While Mr. Heinrich may be the right sort of a man to deal with the Indians on the reservation in matters of this kind, many others who would undoubtedly wish to follow his example would not be, and it is essential that the agent should have an absolute veto in such cases.

"I have made this criticism clear to both Mr. Heinrich and the agent, and have told them that no more such arrangements must be made or permitted except in pursuance of authority to be obtained from the Department along the lines above indicated."

In connection with Mr. Binney's statement, "If Heinrich was the kind of man who would exceed his grazing rights, he would certainly use every effort to post himself in regard to an inspector's probable movements," and without commenting upon the somewhat gyratory nature of Mr. Binney's reasoning, I feel that justice to Mr. Heinrich requires that I quote the following paragraphs from my report, beginning at page 13:

"*Heinrich's character and his relation to the reservation.*—Having disposed thus negatively of the matters in connection with which Mr. Heinrich's integrity has been impugned, it is hardly fair or wise to leave the subject without referring briefly to some other matters not heretofore mentioned which have a very decided bearing upon his desirability as a permittee upon the reservation.

"The 'mountain' range which Mr. Heinrich uses in summer, thus enlarging considerably the grazing possibilities of his territory, has never before been successfully utilized by anyone. Some years ago Mr. Paul McCormick made an attempt to use this range, but abandoned it after a part of one season on account of heavy and disastrous losses by reason of cattle drifting over the cliffs into the canyons. Heinrich has not been without similar, though smaller, losses, and he has faced not only the hazard to his property but at times great personal risk in getting his cattle back over the mountains after early fall storms. The cattle naturally drift back from this high range to the low country, and they are held upon the mountian chiefly by means of large quantities of salt (some 20 tons a season, I understand) which have to be hauled upward of 30 miles across the mountains, a large part of the way without even a trail to follow. The range is thus necessarily an expensive one, even without reckoning in the inevitable casualties. Mr. Heinrich informs me that during the past year his entire range expenses have been about $1.30 to $1.40 for every head of cattle upon the reservation.

"Not only does Mr. Heinrich thus bring to the Crow tribe revenue from a hitherto unproductive territory, but in holding these mountain passes he protects the reservation from the depredations of cattle thieves. In years past organized bands of these thieves have operated through these passes, driving cattle across into Wyoming, and thence to market. In 1900 probably the most extensive single cattle theft on record was committed in this way. Sam Garvin and Bob Lee drove about 1,100 head of Indian cattle across these mountains into 'Garvin's Basin,' just across the Wyoming line. Heinrich had also lost some thirty head, and suspected the Garvin outfit of the theft. In looking for his cattle he discovered the stolen Indian herd, reported the fact to the agent, Edwards, and aided in the recovery of the cattle. It was also largely upon his testimony that Garvin and Lee were convicted and sentenced. The recovery of upward of $30,000 worth of the property of the tribe, as well as the punishment of the thieves, is thus directly due to Frank Henry. That he deliberately risked his life in this matter is beyond question. I am not aware that his connection with this matter has ever before been reported to the Department. He does not brag about it, and did not. The duty merely fell in his way, and he did it without hesitation and without comment. Irrespective of the revenue produced, it is of the highest importance that such a man as Heinrich should have this 'mountain' range, for it is the natural gateway and base of operations for thieves, and none but a man of absolute integrity and unquestioned courage should be permitted to occupy it.

"Heinrich's attitude toward and relations with the Indians have been most liberal and beneficial. His registered bulls breed to the Indian cows running upon the same range, thus improving the Indian herd. His blooded stallions are always at the service, free of charge, of any Indian who will take his mares to Heinrich's ranch at Slack.

"Heinrich's lease of the George Pease place is a further illustration of the benefit which he may be to the Indians. That Mrs. Grey should have referred to this lease

as an evidence of Heinrich's wrongdoing proves either her willful bias or her inability to perceive the true relations of facts examined. George Pease is a half-breed who is possessed of much shrewd common sense and good business judgment. He is honest and industrious, but he is a cripple. His place is, as Mrs. Grey says, one of the best on the reservation, but through his inability to do the necessary work himself or to get suitable help to do it for him, it had fallen into very bad condition, and further neglect would have resulted in very great damage. Much of the place was grown up in brush, the buildings and fences needed repairs, and the irrigation system needed almost entire renewal. Heinrich leased the place, undertaking to make these necessary repairs, to clear up the brush, and put in stipulated acreages of alfalfa and grain each year. The place contains some 1,600 acres in all, including 300 acres under irrigation, and comprises the lands of George Pease himself, his wife, and nine of his children. The leases are for farming purposes and run for a term of five years, the aggregate rentals being $1,200 a year. When I visited the place about the middle of June, much of the brush had already been cleared up, the dam had been repaired, and work was in progress on the ditches, much repairing had been done on the barn and fences, and more than the stipulated amount of alfalfa and grain had been put in. A number of other improvements and conveniences, not stipulated in the leases, had been made or were in progress; and altogether the whole atmosphere of the place was inspiring in the extreme. It can not but have a beneficial influence as an object lesson to the Indians of what can be done with these lands. The irrigated parts of this reservation are very rich. 'They need but to be tickled and they will laugh with harvest;' and even on much of the hill land winter wheat can be grown successfully. When George Pease's place is returned to him with the improvements, after Heinrich's five years' occupancy, it will unquestionably be worth several times as much as when the leases were made, and in the meantime he is receiving enough rental to support him and his family in comparative comfort. The arrangement is not only just and equitable to George Pease, but highly beneficial as an object lesson and center of influence among his neighbors. Heinrich is glad to have any of them come and work for him on the place, and they have thus an opportunity not only of earning good wages, but of learning the best methods of farming."

The first paragraph on the third page of Mr. Binney's letter relates to my discussion of Bair's "sheep feeding in the Big Horn-Little Horn territory." I wish simply to request that this entire section of my report (extending from p. 18 to p.24) be considered in this connection.

The second paragraph on the third page of Mr. Binney's letter is as follows:

"On pages 39 to 57 the report deals with various matters in regard to the management of the agency, and makes a number of recommendations which seem desirable; but the treatment of the illegal trading carried on by Mr. Miller (p. 55) seems to underestimate the seriousness of the offense. We submit that it was much more than a mere technicality. The report gives Mr. Miller a certificate of good character, although, in reporting with regard to Mr. Burgess, Mr. Dalby admits that he declined to reinvestigate the charge of immorality against Mr. Miller, which charge Mr. Burgess believed should be reinvestigated."

As to what he says about Mr. Miller's trading, and about the good character which he alleges I gave him in that connection, I wish merely to quote the entire paragraph to which Mr. Binney refers:

"*Trade by employees.*—Section 518 of the regulations (sec. 2076, R. S.) prohibits employees from having any interest or concern in any trade with Indians. Mr. Fred E. Miller, who has been for a number of years clerk at the agency, was for some time engaged in buying elk teeth from the Indians. This was some time ago, and I understand that the demand for elk teeth has now almost entirely disappeared. Mr. Miller's work and his trading in this connection was done outside of office hours and independently of his official duties, and the teeth were not retailed by him but were sold in wholesale lots to manufacturing jewelers. Mr. Miller told me about this business quite readily and frankly, and before I questioned him on the subject. In fact, he exhibited a manifestly honest pride in the fact that in his odd hours he had managed to make several thousand dollars in this way. I have since confirmed his story by independent inquiries. No Indians have complained of him as having cheated them or taken advantage of them in these trades, and I have found no reason to believe that he did. Indeed, the fact that the traders were all buying elk teeth at the same time would fix a condition of open market competition which would prevent this. There has been no substantial wrong done to the Indians, and if any offense was committed it was purely technical; and I am not entirely sure that the language of the statute covers a case of this kind. I therefore report the facts without recommendation. Mr. Miller is an efficient and valuable clerk."

As to his statement regarding my refusal to reinvestigate the charge of immorality which Mr. Burgess made against Mr. Miller, I also wish merely to quote the entire text of my report in that connection, calling attention to the fact that I had therein carefully eliminated all mention of names, because of the nature of the subject and of the possibility of future publication of my report. On page 62 of my report I say:

"The only things which at this time he (Burgess) asked me to investigate were two which Mrs. Grey had charged—one against a clerk at the agency and the other against one of the additional farmers, both relating to improper relations with the squaws; and the general impression made upon me at the time was that he did not believe Mrs. Grey's charges against the agent.

"The matter of the clerk I knew had been investigated several years ago and found untrue. He has since married and has a child. I asked Mr. Burgess if he thought this man was now guilty of this misbehavior. He said he did not think so; and his life is certainly believed by all to be exemplary now. So I told Mr. Burgess that I would not disgrace this man's wife and baby by reopening such a charge in a public investigation. This was evidently unsatisfactory to him, and his desire to have the matter again investigated was manifest, but I positively refused to do it.

"As to the other matter, there had also been an investigation several years ago, which had proved the charge groundless, but at that time I did not know this, and he did not tell me. So I asked him if he thought this man was still misbehaving in this way, and he said he did. So I told him I would look into the matter."

The next paragraph of Mr. Binney's letter is as follows:

"The report passes very lightly over the charges of harsh treatment of the Indians by the agent. It is unfortunate that these charges were made by a woman whose accuracy may be open to doubt, but as Mr. Dalby found it necessary to suggest a number of reforms in regard to matters to which she had called attention, it would seem reasonable that in dealing with the charge of harsh treatment the report should dwell more upon specific facts, as distinguished from Mr. Dalby's opinion."

In this connection I desire to quote from my report as follows:

"*Punishment of offenses.*—Mrs. Grey makes general charges to the effect that the agent has punished the Indians by long terms of imprisonment in the guardhouse without just cause. Among the Indians also I have heard some general complaint of this kind. In such cases I have always invited specifications, but I have not had a single matter of this kind presented to me in such shape as to form the basis for investigation. My finding upon this subject is based, therefore, upon general inquiries and observation rather than upon investigation of specific cases.

"I have no doubt that the agent may sometimes have made mistakes in the infliction of punishment, but I find no reason to believe that these mistakes have been frequent, or as a rule serious, or that they have been generally on the side of too great severity. In fact, I am inclined to think that he has more frequently erred in the opposite direction; and I have taken occasion to criticise him personally and severely on this ground. One specific case which has come under my attention may deserve mention. It is the only really serious blunder that I know to have occurred. The case was first brought to my attention by the aggrieved parties, who believed that the offenders had not been sufficiently punished" (p. 39).

And then follows a full discussion of the case referred to.

"The miscarriage of justice in this case is due to a lack of proper system in such matters, and both the agent and Mr. Miller are blameworthy in this connection. Nothing that my investigation has developed seems to me to merit severer condemnation than this. I have talked fully and plainly with both Reynolds and Miller on this subject, and I have also endeavored to impress upon the Indian judges the necessity of punishing sufficiently not less than justly. I do not believe that any similarly grievous crime is likely to go thus practically unpunished again.

"The agent informs me that the chief difficulty in attempting to punish such cases as this in the Federal courts is that the Indians will seldom testify against each other; he thinks that even in this case Little Hawk and his wife, although bitter and vindictive now, would probably tell a different story if actually put upon the witness stand, and thus prevent a conviction. The doctor who examined Little Hawk's wife has since been transferred to a station in the State of Washington.

"I have discussed very fully with the agent the question of introducing a more effective system in the matter of the punishment of Indian offenses, and particularly of providing a proper docket for the entry of the particulars in connection with each arrest, with space for a brief of the subsequent proceedings and the final disposition of the case. There is no systematic record kept at present. I believe that very substantial improvement can and will be introduced in this regard (pp. 40, 41).

"So far from finding him (Reynolds) the harsh and overbearing tyrant that Mrs. Grey's charges picture him, I find myself compelled to criticise him for too great mildness and leniency. The police sometimes feel discouraged because he does not punish more severely the offenders whom they bring in. The clerks have explained a number of small irregularities and delinquencies which I have discovered in the course of my investigation by saying, 'Major Reynolds is too easy; he does not like to make a fuss.' In fact he is inclined to overlook little things whenever possible. And while this is undoubtedly a wise policy very often, I believe he has followed it a little too far in some cases. Indians frequently escape just punishment for small offenses by appealing to his sympathy; little delinquencies among the agency and school force are overlooked because of his tolerance, and a lack of exactness and discipline in small matters has grown up. I have gone over these matters with him thoroughly, and I expect him to remove the cause for the criticism which I feel bound to make in this connection" (pp. 84, 85).

As to Mr. Binney's somewhat naive remark that I had "found it necessary to suggest a number of reforms in regard to matters to which she (Mrs. Grey) had called attention," I may be permitted to say that in my work on the Crow Reservation I did not neglect any opportunity of which I became aware for the improvement of the service or the advancement of the interests of the Crow Indians, no matter how "disreputable" might have been the source from which the original suggestion of such opportunity arose.

On October 30, when Mr. Binney was about to examine the records, including my official reports and all the papers connected therewith, I said to him that I would be very glad to give him at any time any additional information that I possessed in regard to any matter that he might inquire about. While he was engaged in the examination of these records I made it a point to remain in the office or to have my whereabouts known, so that I could respond at a moment's notice to any call from him. He did not, however, at any time ask me any question for the purpose of gaining fuller information about my investigation on the Crow Reservation, but contented himself with examining and criticising my official report; and yet Mr. Binney must know that in an official report upon an investigation covering several months it is impossible for any man, even were he willing thus to burden his superior, to give every minute detail of information gathered and all the circumstantial coloring affecting the value of that information. Without in any degree availing himself of this opportunity to examine and cross-examine me—to squeeze the sponge and find out just what it had absorbed—he thus sweepingly condemns my report: "Well written it may be; honestly compiled from the evidence submitted to him it may be, but absolutely without reliability it certainly is." From his conduct in this connection one might infer that he was primarily interested not so much in determining whether I had in fact made an honest and thorough investigation upon the Crow Reservation, and done full and exact justice to the Crow Indians, as he was in making good the case against me to which he regarded himself as already committed.

Mr. Binney concludes his letter with a request for a reinvestigation of the Crow Reservation. I quote his language on this subject in full:

"We recognize the gravity of the case and the objection to creating any unrest on the reservation by another investigation so soon upon the heels of the last, and yet we sincerely believe that in the interest of the Indians, which we are convinced you have at heart, it would be better to endure that for a season rather than to permit these Indians and the whites in or near to the reservation, to believe that the Department is willing to accept as final a report based upon such inconclusive evidence. If it is true that there is little or nothing to correct, no harm can come to anyone, but a temporary unrest, while the restoration of confidence in the absolute justice of your Department will far more than counterbalance it. These Indians seem to have confidence in our association. We will gladly render any service to your inspector that is in our power, if our agent is afforded an opportunity of conferring wi h those who make complaints. If the inspector is such a one as possesses the qualifications which must be recognized as essential, he will be competent to determine the truth or falsity of the charges when he has heard the evidence. We are sure that such a man is in your service, and we feel that in a matter of this importance the best can be none too good. We must frankly admit that we can not now present any positive evidence to contradict the conclusions of the report (the circumstances of the case having made it impossible for us to pursue our own inquiries) and that we do not know upon what offer of evidence a petition of certain Indians, recently made, as we understand, for a reinvestigation, is based; but we submit that in the present case such evidence ought not to be held an indispensable preliminary, and we therefore again respectfully urge upon you the importance and

the wisdom of sending out the best man in the service to restore confidence and elicit the facts."

There are two reasons why I feel that my own personal interest may suffer from any opposition on my part to this request: (1) I am well aware that by opposing such a request I invite the charge of trying to cover up my own wrongdoing; while on the other hand (2) I am so fully conscious of the absolute integrity and thoroughness of my investigation on the Crow Reservation, and am so thoroughly convinced of the substantial accuracy of the statements of fact and the justice of the conclusions contained in my report that I am confident that a reinvestigation by a just and competent man can not but redound to my credit personally.

But I know, and Mr. Binney also appears to have some conception of, the injurious, possibly disastrous, consequences which would result to the Crow Indians from a reopening of this investigation, particularly under the conditions suggested by Mr. Binney. I am therefore in duty bound to oppose such a reinvestigation, regardless of the consequences to myself personally of such opposition; and I do so oppose it.

When I went upon the Crow Reservation last May and permitted Mrs. Grey to return thereto, I found in some parts of the reservation, particularly at Lodgegrass, a condition of unrest and disorganization amounting practically to incipient anarchy. Mrs. Grey had told the Indians that they had suffered great wrongs; that their former agent had betrayed them into the cession of their lands without compensation; that they were being kept out of princely sums which were theirs, but which were being diverted by the agent and others to their own personal use; and that the Administration was then about to enslave them. There were those on the reservation—some of them had been among the Crow Indians for many years—who did not hesitate to tell me that I would have to bring in troops before I could remedy the conditions that then existed, or even avoid an uprising. I did not believe this, and happily, as the event proves, I was right. But when I was forced finally to dispose of Mrs. Grey, her Parthian shot was that I should be superseded by another inspector who would do the things that she wanted done. Mr. Brosius's appearance at the border of the reservation some six weeks later, in close conference with Mrs. Grey, gave color of truthful fulfillment to this threat. As I state in my report, the unsettling effect upon the minds of the Indians was noticeable at once. Later, when on the night of July 23 Inspector Gould happened to visit Crow Agency in connection with other matters, without my knowledge and during my absence in Billings, the effect upon the Indians was so immediate and so manifest that he perceived it without knowing anything about the antecedent conditions; and when I returned the next day I found him hastening his work in order to leave that night and thus relieve the situation. After a full and frank conference, however, we both concluded that it would more effectually relieve the strained situation which we recognized as having been inadvertently brought about for Mr. Gould to remain another day and appear with me before the Indians as my guest. This he accordingly did.

These episodes afford some indication of what would be the logical and inevitable effect of granting Mr. Binney's request. I do not mean that there would necessarily be danger of an uprising, for as I have said in my report (p. 60) the Crow Indians are "eminently peaceable" and "easily led if one have but patience for the task and a little genuine human sympathy," for they "wish to advance, and are predisposed to trust and follow the white man." A man of wisdom and courage could make the requested reinvestigation without risk of precipitating an uprising. But he could not possibly prevent the Indians from attributing such reinvestigation to Mrs. Grey's influence, for that is just what she threatened to bring about. They would recall the incendiary things that Mrs. Grey has said and look for a fulfillment of them also. They would be agog with expectation of many vague and formless things which they themselves could not describe, but one of which would undoubtedly be a thoroughgoing revolution involving the subversion of every existing authority on the reservation. They would neglect their ordinary duties, as they did last spring, from which of course they themselves would suffer. One of the results of such a reinvestigation, whatever other results it might have, would be, not the restoring of confidence in the Department, but the shattering of that confidence which now exists, for they would see that it is possible for the work of an officer of the Department, whose integrity has not even been called in question, to be set aside through the influence of a woman whom they know to be unprincipled and whom they had themselves dismissed for that reason. For however vehemently Mr. Binney and Mr. Brosius may disclaim any connection with Mrs. Grey, it is yet a fact that Mr. Brosius's charges (in his letter of July 23) are substantially the same as Mrs. Grey's (in some her language is closely followed); and the Indians know that these charges were made after full conference with her, and she has told them, and the facts which they know give such color of truth to her statement that neither Mr. Binney nor anybody else could convince them of the contrary, that

Mr. Brosius is working with her to bring about all the things she told them she would bring about.

As Mr. Binney's request for a reinvestigation has been based principally, and I may say practically entirely, upon one incident and its supposed effect, namely, my alleged misconduct toward Joe Cooper in the meeting at Lodgegrass, I feel that it is now necessary to go into that matter more fully and carefully than I have hitherto deemed either justifiable or seemly when merely defending myself.

I quote at length from Mr. Binney's letter on this subject:

"No other person could more graphically have depicted the scene at Lodgegrass, where, without any provocation, he swore at one of the first witnesses, and asserted that he did not believe him; and his explanation to the camp Indian who took him to task for the use of such language sounded to us both lame and inadequate, to say the least.

"The position of Indian agent is necessarily one of great power, and if he be willing to abuse that power he can easily terrorize an Indian who undertakes to oppose him in any way. Hence no Indian is likely to give any evidence implicating an agent unless such Indian fully trusts the investigator and believes that he will protect him against the agent's resentment. Unless such trust exists the Indian will take refuge in silence. In the present case the inspector practically admits having lost the confidence of the Indians, but he claims to have afterwards regained it. Now, it is well known that Indians are very slow to give their confidence again after once withdrawing it, and Mr. Dalby's own statement indicates a temperament which, to say the least, does not invite confidence. Such an unfortunate 'mistake,' as Mr. Dalby himself characterizes it, might possibly, after a long time, be lived down and forgotten, but it is not within the bounds of possibility that it should be either forgotten or minimized in the few remaining weeks of Mr. Dalby's stay upon the reservation.

"What, then, is the value of the report which he has made? Well written, it may be; honestly compiled from the evidence submitted to him it may be, but absolutely without reliability it certainly is, for by his own act he had cut himself off from the sources of information. The fact that he conversed with 80 per cent, or any other number, of the adult male Indians on the reservation means nothing unless there is reasonable ground to suppose that he really got at their whole mind. We have every reason to believe the contrary."

I am glad that Mr. Binney recognizes the fact that no one else could have stated the facts more strongly against me than I stated them myself. That was my intention, for I have never yet claimed to be incapable of error, and I have always disdained to shirk responsibility for a fault. But because I thus frankly admit an error, and voluntarily (for the charge has never yet been made with such certainty or accuracy that a simple traverse would not have been a true and legally sufficient answer) tell him just what the facts were with an exactness which he could not possibly have gained from any other source, he should not himself fall into the error of assuming that I admit having been hopelessly and insanely indiscreet in every respect, even on that one occasion; for I do not. What I do admit is that I committed an unfortunate error of judgment in the selection of my language on that particular occasion. Nothing more. I do not admit that I committed any error of judgment as to the actual situation that developed; for I did not.

The record of my oral statement will show that I was interrogating Yellow Brow as to his story that Frank Henry's cattle had at some time come outside of his fence and overrun the adjacent country. Joe Cooper interrupted to say that he knew something about that, because he had seen the cattle over on his place on Soap Creek. I turned to Joe and questioned him with the view of learning just what he knew. I asked him when it was, how many cattle there were, if he did not have some idea of about how many there were, what damage they did, when he was on his place, and perhaps one or two other questions directed toward a specification. But to all these questions Joe Cooper answered either vaguely or not at all, simply adhering to the one proposition that he had seen some of Frank Henry's cattle on his (Joe Cooper's) place on Soap Creek. Finally, by persistent efforts, I succeeded in bringing out somewhat the following question and answer: "Now, Joe, you say it was on your own place that you saw these cattle, and it seems to me if it had been my place I would have had some idea of how many cattle there were. Can't you give me some idea of about how many there were?" "Well, I guess there must have been 300 or 400." Now, it is perfectly manifest that if this had been true, if there had been 300 or 400 or anywhere near that number, and Joe Cooper had himself seen them on his own place, he would have been bound to have at least some idea of the approximate number when he first mentioned the matter. I concluded immediately that Joe Cooper was lying, that he was trying to deceive me, and in this conclusion I was perfectly correct, as I shall

presently show. I had been very careful to warn the Indians all along that they must tell me the truth, for only the truth could possibly do them any good; that they need not try to deceive me, for they could not keep me deceived; and I had patiently and firmly restrained every effort to deceive me, by letting the Indians know immediately that I had not been deceived, and why I had not been deceived (which, by the way, they always took in good part); but here was a fellow who was practically a white man, and who ought to have known better anyway, still trying to deceive me. I thought I would speak more severely to him, that I would teach him a lesson, so that he would know that he need not hope to be any more successful than any other Indian in trying to deceive me. I said (I think these are my exact words): "Joe, God damn it, you are trying to deceive me; I believe you are lying to me, and you know it." I went at him practically as I would at a white man. That was my error, so far as Joe Cooper was concerned. It gained me his enmity. It did not lose me Joe Cooper's confidence, in the sense that even Joe Cooper thinks, or ever did think, that he can not trust me to deal justly and fairly with him and to keep my word with him; for Joe Cooper knows, as I believe practically every Indian on the Crow Reservation also knows, that he can depend upon me to do absolute and exact justice in my dealings with him so far as I am able, and to keep my word to him absolutely, at any cost and under all circumstances. For Joe Cooper has since acted upon this knowledge, as I shall presently show. So far as the other Indians were concerned, my error consisted in talking to Joe Cooper in English and not having my language interpreted, so that they did not understand the occasion and the reason of my action toward Joe. When the whole transaction was explained to them, so that they could follow its logical development, the result of that error disappeared, and did not again reappear; and, as I said on October 30, any statement to the contrary is false, whatever its source.

As to the statement that "the inspector practically admits having lost the confidence of the Indians, but he claims to have afterwards regained it," I wish to say that I do not "practically admit," or in any other way admit, that I did anything of the kind. Not only does the whole trend of my oral statement show, but I then specifically called attention to the fact, that the circumstance upon which Mr. Brosius based his allegation that I lost the confidence of the Indians, namely, the fact that Plenty Coos told some of them not to talk until they had a "big council," arose not out of the incident of my examination of Joe Cooper, as Mr. Brosius alleges, but out of Mrs. Grey's disturbance of a subsequent meeting of the Indians, which occurred some twenty-four hours later. How I met the situation thus created by Mrs. Grey is well known to you, not only from my official reports at the time, but from your own personal inquiries while in Montana. As to whether in that emergency I acted wisely or well it beseems you better than me to speak; but as to the result of that transaction I dare assert that I did not therein or thereby lose any of the confidence of any of the Indians.

I frequently encountered the effects of Plenty Coos's foolish advice above referred to, which, by the way, was not given in my presence, as Mr. Brosius alleges, but at some time subsequent to my departure after dissolving the meeting and telling the Indians they must return home, so that I actually knew nothing about it until I thus encountered its effects in the course of my subsequent investigation. Whenever this situation arose I met it squarely and firmly, but kindly, and in the manner described in my oral statement, and I am confident that I overcame it in practically every case. Mrs. Grey had led the Indians to expect a revolution in the entire administration of the reservation. They had discovered that there was to be no such revolution based upon the merely vague and uncorroborated assertions and rumors which had been sufficiently convincing to Mrs. Grey. They had no information to support the radical and incendiary charges which Mrs. Grey had presented, and when they had no personal grievances of their own to bring to my attention they seized with alacrity the opportunity which Plenty Coos had given them to retire quietly and leave the responsibility with him. This explanation is not original with me; it was suggested to me by Alexander Upshaw, my interpreter, who undoubtedly possessed the confidence of the Indians from beginning to end. Alexander Upshaw believed, and I believe, that wherever the Indians had any grievances that they considered worth mentioning they did talk them over with me. They certainly talked over a great many such grievances, and I sifted and settled them all. The only men on the reservation that I know thought they had such grievances who did not discuss them with me were Joe Cooper and James Carpenter. I personally and specifically told both these men that I would examine into any personal grievances they might present, but they declined to present any.

When I visited Pryor (where Plenty Coos lives) after having visited the other sections of the reservation, Plenty Coos and his following met me with every evidence

of friendliness and confidence. My first act, after the friendly greetings and pleasant conversation which courtesy makes proper on such an occasion, even among Indians, was to invite Plenty Coos to remain in my room after the others had left—for I did not wish unnecessarily to humiliate the old man—so that I might talk with him about the advice he had given the other Indians. I told him of the difficulty I had encountered and said that I held him personally responsible for it; that he must not forget that the continued recognition of his position and influence in the tribe would depend upon the wisdom with which he exercised that influence; I told him that he had exercised his influence in this instance unwisely, for he had, by advising the Indians not to talk to me except in council, attempted to thwart my investigation, which was being made for the sole purpose of discovering and correcting any wrongs from which his people might be suffering, and that in doing this he had, so far as his advice had had any effect, simply played into the hands of Mrs. Grey, whom the Indians had themselves dismissed because they had discovered that she was doing them harm; and that he had done this simply out of childish impatience at the disturbance Mrs. Grey had herself created. He disclaimed responsibility for the action of the other Indians, saying that he had not meant anything of the kind, and that they and not he should be held accountable for their actions. I told him that whatever he had meant undoubtedly that was what he had said, and that on account of his position I held him responsible for the effects of his words; but I told him that I had been able to counteract these effects, and should therefore pass the matter over; but that I wanted him to know that I knew how the situation arose and placed the blame where it belonged.

His manifest surpise when I took him to task thus directly for his action convinced me that there was a considerable measure of truth in his statement that he had not intended his advice to have the effect that it had had. At any rate, Plenty Coos's own attitude was anything but antagonistic. He was in fact cordial and friendly whenever I met him. On this occasion he insisted upon my being his guest, and upon my riding his favorite horse; and at every meeting with the Indians in that district (at which many and varied grievances were discussed) Plenty Coos was present and took an active part in the discussion.

Now to return to Joe Cooper. Just before starting on my tour of the reservation I had a long talk with Mr. Burgess. He was much exercised about Joe and his misfortunes. I assured him that, discouraging though the prospect seemed, I would do my best to induce Joe Cooper to straighten up and make a man of himself, and would help him as far as possible in case he made any such effort. This apparently gratified Mr. Burgess greatly, and he promised me to exercise his influence upon Joe to the same end.

When I got to Lodgegrass on June 11, Joe was not there, but his wife was, and I had a long talk with her about their affairs. She speaks English, and is apparently provident and thrifty, and has been faithful to Joe and to their children. She appealed most strongly to my sympathy. For her sake more than for Joe's I was ready to do my utmost to help Joe straighten up and make a start. I discussed with her their plans for the future, and particularly the ways and means. I asked her if there were any claims that they had against anybody that I might be able to help them collect. She told me that sometime last fall Dick Wallace and Mr. Kennedy (a wolfer who was also employed by Heinrich as a line rider) drove off of Joe's place some cattle that were trespassing there. She did not know whose cattle they were, or how many there were, but said these men could tell. She said Joe had eighteen or nineteen tons of hay stacked, and that these cattle had eaten or destroyed probably half of it, and that they had never received any compensation for this depredation. On the morning of the 13th Joe returned to Lodgegrass, and I talked with him also about this. He confirmed her estimate of the quantity of hay and the fact of the depredation, but could not tell me whose cattle they were, as he had not himself seen them, but said he thought they were Frank Henry's, and that Dick Wallace and Mr. Kennedy could tell me.

And I talked with Joe about straightening up, and about the best means of preparing to take care of his wife and children when winter should come. I advised him to go to his place and plant some potatoes at once and get ready to plant wheat in the fall, and to cut logs to rebuild his house; and I promised him that if he did this I would see that he had issued to him lumber for the roof. And he promised me to do these things. Most of all I impressed upon him the fact that he himself must straighten up and get to work, and do his honest best to take care of his wife and children, if he wanted to be helped and to retain the respect of people generally, and my respect.

On June 15 I saw Dick Wallace (whose place is very near Joe's, on Soap Creek), and asked him about the depredation of the cattle on Joe's place. He told me they were mostly Joe's own cattle; that he saw two or three of Frank Henry's cattle there

once, and one animal with an Indian brand which he did not recognize. I asked him what proportion of the damage done he thought would probably have been done by Mr. Heinrich's cattle, but he said he could not even guess.

On June 16 I saw Mr. Kennedy at the head gate, and talked with him on the same subject, and he gave me about the same information, but a little less definitely than Dick Wallace had done.

I had talked the matter over with Mr. Heinrich soon after I first met him, and before getting the evidence. I told him that Joe had promised me to straighten up, and that I wanted to give him every possible chance, and that if I found there was any ground for a claim against him on account of the depredation of his cattle upon Joe's hay I should expect him to make just settlement. He told me that as Joe's place was not adequately fenced, and as he had had some cattle running on some of the adjacent allotted lands (under some of the arrangements to which I have heretofore referred in this communication) he had realized that there was danger of his cattle straying upon Joe's place; that for that reason, and in anticipation of and full satisfaction for any damages that his cattle might thus do on Joe's place, he had on September 21, 1906, paid Joe Cooper $100; and he exhibited to me his paid check with Joe Cooper's indorsement. At the same time he said that he would leave the matter entirely to me, and would pay Joe Cooper whatever I thought was right on account of the depredation in question. After getting the evidence above referred to I told Mr. Heinrich that I did not consider that Joe Cooper had any claim against him on account of this matter. He still said he would pay Joe something if I wanted him to. To this I replied that I regarded the payment of $100 as ample satisfaction, and I could not therefore, in justice, ask him to pay more; and that when I got ready to exercise charity I would do it out of my own pocket and not his.

So much for the accuracy of my judgment as to the truthfulness of Joe's testimony in the meeting at Lodgegrass.

Now as to Joe's confidence in me—his willingness to rely upon my word in matters which he considers of vital importance to himself:

On Sunday, July 14, the day after Mr. Brosius's visit to Crow Agency, I went to Lodgegrass for the purpose of talking with Joe Cooper and several other Indians. Joe talked with me with a considerable degree of frankness, and, as I have since learned, with practically entire truthfulness, regarding his visit to Mrs. Grey and Mr. Brosius at Parkman. During the course of my conversation with him I harked back to our interview on June 13, when he had told me all about his association with Mrs. Grey, had given me a number of her letters to him, and had exhibited to me her receipt for money which he had paid her, and I asked Joe to let me have that receipt, as I thought I should need it. Joe said he didn't think I ought to ask him for that receipt, because he might need it. I told him I did ask for it and that I thought he ought to give it to me, because I would probably need it in the prosecution of Mrs. Grey. (It will be remembered that she was then at Parkman and had not yet been arrested.) I told him that I could not imagine in what connection he would need the receipt unless it were as his voucher to the lodge for the money which he had paid out, and that to cover this I would give him a copy of the receipt, together with my certificate that I held the original. I said he knew that such a certificate from me would not be questioned by anyone on the Crow Reservation, and he readily admitted that this was a fact. It then developed that Joe's reluctance to part with this original receipt was really due to the fact that he thought he himself was liable to prosecution in connection with the same transaction, and that this receipt might be evidence against him as well as against Mrs. Grey. I told him that I thought he was mistaken about this, but nevertheless if he would give me the receipt I would promise him to retain it in my possession and not under any circumstances permit it to be used against him. Joe Cooper then gave me the receipt. I have it in my possession now. It will not leave my possession (except to be returned to Joe Cooper himself) without the distinct understanding that it shall not under any circumstances be used against Joe Cooper. This Joe Cooper knows and relies upon.

The essential argument of Mr. Binney and his associates for a reinvestigation on the Crow Reservation may be syllogistically epitomized as follows: No investigation by one not having the confidence of the Indians is reliable; Mr Dalby did not have the confidence of the Indians; therefore Mr. Dalby's investigation is not reliable. The minor premise is false.

Very respectfully,

Z. LEWIS DALBY, *Indian Inspector.*

CROW INDIAN RESERVATION.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 29, 1908.

Mr. S. G. REYNOLDS,
United States Indian Agent, Helena, Mont.

SIR: I have the honor to acknowledge receipt of your telegram, viz:

HELENA, MONT., 29.

F. E. MILLER, *Crow Agency, Mont.:*

Mail me at once complete report regarding the alleged arrest and expulsion of Sniffen from the reservation, stating carefully just what Sniffen did and the substance of what he said, and whether or not he asked to be put under arrest and what you did and said and why. Mail carbon copy to Secretary of Interior.

REYNOLDS, *Indian Agent.*

In compliance with above instructions I make the following report:
On January 22, 1908, I received the following letter:

HELENA, MONT., *January 21, 1908.*

DEAR FRED: Mr. Sniffen, of the Indian [illegible]hts, is here and through Attorney Walsh asked authority to go upon the re[illegible]n to make an investigation, which request was denied. Mr. Sniffen saw [illegible]and asked permission to go upon the reservation, which I denied him. [illegible] he would go anyway. I told him if he did he would be arrested and [illegible] He said he intended to start to-day. I size him up as a gentleman, and [illegible]vant him mistreated, and ordinarily I would have been glad to have had [illegible] His coming at this time could not but do harm to the Indians, and you [illegible]ed to arrest him should he appear at any point on the reservation and re[illegible]with. Take such steps as are necessary to properly carry out these ins[illegible]pprise you of his presence.

Very truly,

S. G. REYNOLDS, *United States Indian Agent.*

To FRED E. MILLER,
Chief Clerk; Crow Agency, Mont.

P. S.—He is a small, light-complexioned man. Weight about 110

I instructed Mr. Campbell to watch east-bound passenger trains and sent the following letter to the farmer in charge of the Lodgegrass district:

CROW AGENCY, MONT., *January 23, 1908.*

Mr. T. J. BURBANK,
Additional Farmer, Lodgegrass, Mont.

SIR: On Tuesday, January 21, Judge Frank S. Dietrich, in the Federal court at Helena, Mont., denied the request of T. J. Walsh, attorney, for an order permitting Matthew K. Sniffen of the Indian Rights Association, to come upon the Crow Reservation and conduct an investigation. Mr. Sniffen then made request of Agent Reynolds for permission to come upon the reservation and was denied. He then stated he would come anyhow. Mr. Reynolds advised him that he would be arrested, to which he replied that he would start that day (the 21st). He is a small, light-complexioned gentleman, weighing 110 pounds. Should he appear in your district, arrest and bring him to the agency, at the same time doing everything in your power to attend to his comfort and speedy delivery here. This letter written under orders from Agent Reynolds.

Very respectfully,

FRED E. MILLER, *Clerk.*

On January 24 I received the following message:

HELENA, MONT., 23.

F. E. MILLER, *Crow Agency, Mont.:*

Referring to letter of 21st, see my letter to-day before taking any action.

REYNOLDS, *Agent.*

(January 24, 8.20 a. m.)

Thereupon I sent the following letter:

CROW AGENCY, MONT., *January 24, 1908.*

T. J. BURBANK,
Additional Farmer, Lodgegrass, Mont.

SIR: I am this day in receipt of a telegram from Agent Reynolds to await his letter before taking any action in the matter of Mr. Sniffen. You will be communicated with as soon as this letter is received, which will probably be to-day.

Very respectfully,

FRED E. MILLER, *Clerk.*

About 2 p. m. on Friday, the 24th instant, Mr. Sniffen appeared in the agency office and presented his card. After friendly greetings I informed Mr. Sniffen that I would send for and read my mail before engaging in conversation. I opened and read your letter of the 23d, viz:

HELENA, MONT., *January 23, 1908.*

DEAR FRED: Matthew K. Sniffen leaves to-night for Crow Agency. I inclose you a clipping from to-day's Record. The statement that I am acting under orders from the Department in arresting him if he goes is not true. My orders to you are upon my own judgment and for the reasons stated. Mr. Sniffen says to me that he wants to go to the agency merely to carry out the orders of his superiors; that he wants to get back as soon as he can and wire his people what he has done, when he hopes they will order him home. He asked me for a letter to you, and said he would observe any parole I placed upon him. I have given him no letter. I stated to him that I would not permit him to go upon the reservation for any purpose of investigation. I am inclined to think that he will make no attempt to investigate. I do not think he will even advertise himself. I put the matter up to you, as you are on the ground and must keep in close touch with his every movement. If he does not make any attempt at investigation or in making unwarranted meetings with the Indians, I would suggest that you pay no attention to him unless he calls upon you socially, and if he does I would want him extended every courtesy consistent with your official position. If he should begin to investigate into affairs, I would suggest that you go to him and request him to leave the reservation on first train, and should he refuse you will, of course, take such steps as are necessary in the matter. Forward the letters of Mr. Dalby that are in my desk.

Very truly,

S. G. REYNOLDS,
United States Indian Agent.

To FRED E. MILLER, *Crow Agency, Mont.*

I also read the inclosed clipping. Mr. Sniffen commented on it and said that he was here and intended to conduct an investigation; that he had been denied an order to do so from Judge Dietrich; that you had refused him permission to do so; that he expected to be arrested and removed from the reservation; that his superiors were conversant with the situation and had directed him to come here and secure evidence of arrest and removal in order that they might have grounds for a test case. Thereupon I wrote the following:

CROW AGENCY, MONT., *January 24, 1908.*

Mr. MATTHEW K. SNIFFEN,
Indian Rights Association, Crow Agency, Mont.

SIR: In view of your now being upon the reservation with the expressed determination of investigating matters relating thereto, after having been refused an order to do so by the Hon. Frank S. Dietrich, judge of the Federal court, and also having been refused permission to do so by Agent Reynolds, I have the honor to advise you that you are under arrest, and you are directed to leave the reservation at your earliest convenience, my action being directed under orders from Agent Reynolds.

Very respectfully,

FRED E. MILLER, *Clerk.*

After reading same Mr. Sniffen stated that it was sufficient for his purpose; that he would leave the reservation on first west-bound passenger train, as he was desirous of returning to Helena, where he would await instructions from his superiors; that he would make no further attempt to investigate during the remainder of his stay; that he was satisfied I was acting in conformity with instructions received from you, and that his further actions in connection with this reservation would be governed by instructions he expected to receive on his return to Helena.

Mr. Sniffen then asked me to direct him to Mr. Burgess' house, as he wished to call there and deliver the home messages Mr. Burgess was sending from Helena. After directing him he accepted an invitation to take supper with me at 6.45, and he came to my house shortly before that time. After supper and cigars, he asked me to show him the way to the hotel, as he had some home messages to Mrs. Server from her husband, who is also in Helena, and we went to the hotel. Mr. Sniffen then went to the depot to send some telegrams, and I went to the office and wrote the following letter:

CROW AGENCY, MONT., *January 24, 1908.*

DEAR GUIL: Your letter of the 21st instant was duly received and I at once had a watch kept for appearance of Mr. Sniffen. Your telegram of last night was also received. Mr. Sniffen appeared in the office a few minutes after the arrival of 42 to-day, and I at once sent messenger to post-office for the mail, which contained your letter of yesterday. Mr. Sniffen stated that he called to inform the office of his desire

About 2 p. m. on Friday, the 24th instant, Mr. Sniffen appeared in the agency office and presented his card. After friendly greetings I informed Mr. Sniffen that I would send for and read my mail before engaging in conversation. I opened and read your letter of the 23d, viz:

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Very truly,

S. G. REYNOLDS,
United States Indian Agent.

To FRED E. MILLER, *Crow Agency, Mont.*

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Indian Rights Association, Crow Agency, Mont.

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Very respectfully,

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Mr. Sniffen then asked me to direct him to Mr. Burgess' house, as he wished to call there and deliver the home messages Mr. Burgess was sending from Helena. After directing him he accepted an invitation to take supper with me at 6.45, and he came to my house shortly before that time. After supper and cigars, he asked me to show him the way to the hotel, as he had some home messages to Mrs. Server from her husband, who is also in Helena, and we went to the hotel. Mr. Sniffen then went to the depot to send some telegrams, and I went to the office and wrote the following letter:

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my mail before engaging in conversation on that subject. On opening the letter from Mr. Reynolds (which I had been notified by wire would be in the mail), I found a clipping taken from the Montana Daily Record, purporting to be an interview that Mr. Sniffen had given out to the paper regarding his proposed visit to the Crow Reservation and probable arrest upon his arrival. After I read the clipping and Mr. Reynolds's letter of instructions, Mr. Sniffen began the conversation by commenting upon the clipping. He stated that he was here and intended to conduct an investigation; that he had been denied an order to do so from Judge Dietrich; that Agent Reynolds had also refused him permission to do so; that he expected to be arrested and removed from the reservation; that his superiors were conversant with the situation and had directed him to come here and secure evidence of arrest and removal that they might have ground for a test case. I asked him what matters he proposed to investigate, and he replied "Anything he desired." I asked him whom he proposed to secure information from, and he replied, "The Indians or any persons living upon the reservation." I then informed him that he would not be permitted to go out upon the reservation and conduct an investigation without authority from the Department. He then asked what I would do in the event he went out on the reservation to investigate, and I replied that he would be liable to arrest. He then stated that he wished to be considered under arrest and for me to write a letter stating that he had been arrested and directed to leave the reservation. (I at this time wrote a letter on the typewriter, which I subsequently rewrote and handed him.) We then commenced a conversation which lasted fully three hours in which we discussed various matters. In discussing the subject of his making an investigation, I told him an investigation at this time could not but cause great harm to the Indians, as the distorted statements made during the past year had caused great excitement among them; had caused them to neglect their fields, gardens, stock, and allotments, and had worked inestimable harm; in fact it looked at one time as though it would counteract all the good that had been done among the Indians during the past five years. After we had conversed until the afternoon was well advanced, Mr. Sniffen said that I had not yet given him that statement in writing showing that he had been arrested and directed to leave the reservation. Thereupon I wrote and gave him the following letter:

CROW AGENCY, MONT., *January 24, 1908.*

Mr. MATTHEW K. SNIFFEN,
Indian Rights' Association, Crow Agency, Mont.

SIR: In view of your now being upon the reservation with the expressed determination of investigating matters relating thereto, after having been refused an order to do so by the Hon. Frank S. Dietrich, judge of the Federal court, and also having been refused permission to do so by Agent Reynolds, I have the honor to advise you that you are under arrest, and you are directed to leave the reservation at your earliest convenience, my action being directed under orders from Agent Reynolds.

Very respectfully,

FRED E. MILLER, *Clerk.*

Mr. Sniffen stated that it was sufficient for his purpose; that he would leave the reservation on the first west-bound passenger train, as he was desirous of returning to Helena, where he would await instructions from his superiors; that he would make no attempt to investigate during the remainder of his stay; that he was satisfied I was acting under instructions received from the agent and that his further actions in connection with this reservation would be governed by instructions he expected to receive on his return to Helena. Mr. Sniffen then asked me to direct him to Mr. Burgess's house, as he wished to call there and deliver the home messages Mr. Burgess was sending from Helena. After directing him, he accepted an invitation to take supper with me at 6.45, and he came to my house shortly before that time. After supper and cigars, he asked me to show him the way to the hotel, as he had some home messages to Mrs. Server from her husband, who is also in Helena, and we went to the hotel. Mr. Sniffen then went to the depot, and I went to the office. A few minutes afterwards Mr. Sniffen came to the office, and we talked until nearly train time, and I went with him to the depot, as I wished to mail my report to Mr. Reynolds on that train. I asked Mr. Sniffen if he had any baggage, and he replied that he had brought none, not even a hand bag.

The above statement is true to the best of my recollection and belief.

Very respectfully,

FRED E. MILLER, *Clerk.*

Z. LEWIS DALBY,
U. S. Indian Inspector, Helena, Mont.

patience as any one of his position could, but while one of these spells took possession of Mrs. Grey, Inspector Dalby arrested her and was about to take her to the agency, when the Indians interceded for her and begged Inspector Dalby to allow her to represent the Crow side of the investigation.

Mr. Dalby released her upon the ground that she would be prepared to meet him the following Sunday. This was Thursday night. Mrs. Grey was very happy when she was released and she promised faithfully to comply with all his orders. The meeting continued until daylight and then adjourned in order to give every one a chance to get a little sleep and rest. The inspector returned to the agency to be ready for us Sunday.

Friday morning the delegates assembled to look over the charges which Mrs. Grey had made to the President and which had taken her several months to gather. Up to this time the Pryor Indians did not know what the charges were. When everybody was seated, ready to go over a great pile of typewritten charges which Mrs. Grey had made, the said Mrs. Grey once more "kicked over the traces," and balked, after having promised faithfully to meet the inspector at Crow Agency two days later. She said, "I want seven days more to work on the charges and if you men do not grant it, I am not going to fight for you. You can fight your own battles." The interpreter, Alex. Upshaw, turned about facing her and said, "I don't think you want any investigation. I believe you are a fraud." She then threw her hands to her face, burst out crying, and left the room. Chief Plenty Coos addressed the assembly after Mrs. Grey had left and said, "When I was waited upon by the delegates appointed by this lodge to give them my support, I listened carefully to all their words. I never before saw the white woman who just left us crying. Do warriors cry over every little hardship that confronts them? I came because everything I have heard sounded well. Now, I have been with you and your friend Mrs. Grey for full two days. I have observed her manners as well as her words, and I have concluded to say to you, my young men, that she will lead us by and by into serious trouble. I will not follow her any longer, and if you feel that she is right and still insist on following her, I shall start for home and attend to my own affairs. I can not in any way believe she can be of any assistance to us." When he sat down the head man on Big Horn district and also the Pryor delegates threw Mrs. Grey aside and would not recognize her any more. When the Lodgegrass realized they were alone they also agreed to let Mrs. Grey go. The meeting again broke up and nothing was done that day.

The next day the Crow Indian Lodge met at the tent of an Indian named Bread. The assembly ordered Plenty Coos, Alex Upshaw, and Joe Cooper to wire Inspector Dalby to come to Lodge Grass at once. This was to inform him that the Crow Indian Lodge, after having stood by Mrs. Helen P. Grey all these trying hours, and she by her own actions had turned everything for the worse, had decided to let her go.

When Inspector Dalby came, the lodge begged him to allow Mrs. Grey to go off their reservation peaceably, but he said, "If I find she has done harm on this reservation she must suffer the penalty of the laws. At present she can go off the reservation at peace, and if she wants someone to go with her, I will send Scolds the Bear, the policeman." By this time Mrs. Grey had come in and sat by Inspector Dalby. When he announced to Mrs. Grey that the Crow Indian Lodge, after having duly considered the matter, had decided to let her go off the reservation and disowned her as their representative she burst out with violent language. Then Inspector Dalby ordered Scolds the Bear to arrest her and he (Scolds the Bear) carried her out of the meeting. While Scolds the Bear was wrestling with her, she cried out to some of her intimate followers to help her, but none moved. We might parallel this scene with the arrest of Sitting Bull, the famous Uncpapa Sioux, when he called upon his faithful ones to rescue him, although this did not end so tragically.

Mrs. Grey caused all these months of misery upon herself. If she had behaved like a sensible person and worked in unison with Inspector Dalby and the Indians, all the troubles now at hand might have been avoided. The Crows were united almost to a man in her favor and would have followed her to the end if it was the truth she was seeking. After Mrs. Grey was arrested, the meeting broke up and every one went to their homes.

PLENTY COOS	(his X mark).
THE WET	(his X mark).
COYOTE THAT RUNS	(his X mark).
BULL WELL KNOWN	(his X mark).
STRIKE ON THE HEAD	(his X mark).
HIDES	(his X mark).
ALEX UPSHAW.	

Witnesses to marks:
JAMES HILL,
F. S. SHIVELY.

In considering this question you must bear in mind that the law vests in Congress the right to open Indian reservation lands to settlement without obtaining the consent of the Indian occupants. This was fully determined by a decision of the Supreme Court of the United States, five years ago the 5th of last month, in what is known as the Lone Wolf case. Lone Wolf, who is a Kiowa Indian, of Oklahoma, acting for himself and certain other members of his tribe, objected to certain Congressional legislation affecting himself and his people and brought an action against the Government in the proper court, which was ultimately carried to the Supreme Court, which is the court of last resort, there being no appeal from its decisions, and the decision of that court was in substance that Indians are wards of the Government, that the Government is guardian of the Indians, that a guardian has the right to do that which he deems best for the ward, and therefore that Congress has the right to open Indian reservation lands by legislation without consulting the Indians occupying it or without obtaining their consent.

This is the situation, my friends, as to the power of Congress to open the surplus lands of Indian reservations. Surplus Indian lands mean all lands remaining in an Indian reservation after allotments in severalty to the Indians belonging thereon have been made. Allotted lands belong to the individuals to whom they are allotted, and the allottees are fully protected in their respective allotments, but all surplus lands remaining are the common property of the tribe and may be open to settlement by Congressional legislation without the consent of the tribe.

It is, however, the desire of the Secretary of the Interior and Commissioner of Indian Affairs that Indians be consulted and their views ascertained before any legislation for the opening of their surplus lands is enacted, and that is why I have been sent here to confer with you relative to this proposed legislation.

I will now read and explain this bill of Senator Dixon which provides for the opening of the surplus lands of your reservation.

(Inspector McLaughlin here reads and explains Senate bill 2963, Sixtieth Congress, first session, which consumes over an hour.)

Inspector McLaughlin. I have now read and explained the bill, and the question is before you for consideration, and I hope to have an expression of your views regarding it. Should you wish to confer among yourselves before discussing the matter with me, we will adjourn for a time, that you may consider the proposition in council by yourselves; and should you at any time wish further information on any phase of the question, send for me and I shall endeavor to make it clear to you. You are privileged to express yourselves now as to the provisions of the bill or adjourn for a time to discuss the matter among yourselves before expressing your views regarding the matter.

It may be proper for me to say at this time that there is another proposition that I have been directed to submit to you people, which is a horse-breeding proposition on this reservation. There has been introduced a bill providing for the creation of "The Crow Horse Company," which bill was introduced on December 11 last, entitled Senate bill 2087, Sixtieth Congress, first session, but I think we had better dispose of the question which I have already submitted and explained before considering the horse-breeding proposition and would suggest that you dispose of the first question before taking up the latter, but while considering the question of the opening of your surplus lands you might have in mind the horse-breeding proposition; and if in your deliberations you wish to ask me any questions with reference to either proposition, I shall endeavor to make them plain to you. This, to you, is a very important matter, and you should, therefore, not be in too great a hurry, but take time in considering it. You need have no hesitancy in speaking freely to me, as I am here not only as a representative of the Government but as your freind, and I shall answer any question freely and truly that you may propound. I wish to say that we meet here to-day as friends; we shall discuss these questions in a friendly manner, and whether or not we reach an agreement we should part as friends. As I have already said, it might be well for us to adjourn for a time in order that you may discuss the matter among yourselves, but I leave this to you. I am here to ascertain your views; and in case there is anything in the bill you would wish to have changed, it is your duty to express yourselves regarding it, and I think you should remain here in the council room and talk the matter over among yourselves for a time, and I will be at the agency office, where you can send for me at any time you desire my presence. This, however, is for you to determine.

Plenty Coos (Pryor band, leading chief). We are here now and are willing to express our views. I will tell you everything from the time we first realized anything in life. From the Wind River in the Shoshoni country to the Black Hills and the mouth of the Tongue River and the head of the Missouri River, in that scope of country is where my people were born, and raised, and died. We did not then have any know-

by their having done these things, some of the Crow tribe would now stand prominent as having considerable property. We have talked this matter over once or twice before. What little of our reservation that is now left we hold in our hand, and we do not want to let it go. This is the last chance, the last argument. If I hold this land in my hand and make the request to both of you [Inspector McLaughlin and Agent Reynolds] to take it to Washington and make my statements there, will it be granted? As it stands now, I am going to talk about the future generations of the tribe—how they can be benefited. I am going to try to provide for them, which was not done by the former chiefs. As I have stated before, I have this land in my hand, and I am going to hold it, and there will be no more bargaining for the lands.

BIG MEDICINE (Black Lodge band, second chief; also captain of police). I want to tell you about the person who is responsible for my being brought to see as a man. I was created by the Maker of all things, God, and placed on this land, and the Great Father in Washington allotted and assisted with house, fences, and many other things to put me in my present condition. He has placed herds of cattle and bands of sheep on this reservation that bring us in much rent money with which to purchase many of our improvements, and these moneys have been well used. Among my people in camp many of the women are in a pregnant condition and expect to have healthy children, and we need our land to share and share alike in the making of allotments. We are receiving rentals from the leasing of our surplus lands, and I do not want to let these moneys get away from me. If we let the lands go, we will never get any more lease money. I want my people to raise cattle, horses, and children. From the time this agent [indicating Mr. Reynolds] was sent here I have seen great results in the building of houses, fencing of lands, and making of roads, and all his work has been changing the condition of the Indians for the better.

BULL THAT DON'T FALL DOWN (Lower Big Horn band, first chief). From the time I was a little boy the chiefs we had at that time sold the lands belonging to the tribe to my friends the whites, and its price was practically nothing, and the reservation has grown smaller from time to time until now it is very small. When the land on the north of us was sold I never consented, but it was put over my head. These Crow Indians are like you white people. We have given up everything heretofore when you asked in a friendly manner. We are surrounded completely by the other Indian tribes, and we are right in the center. Whenever any of the other tribes became unruly and the United States Government wished to punish them they always called on the Crow Indians to help them out. I never had any ill feeling against the whites; we have always been friends, and this business of cornering me into a place where I can not help myself and taking away my land I do not like, and I feel badly about it. For the future generations I want to reserve enough land for them and also enough land to raise horses and cattle. I want you to tell the President that I do not want to be put in such a position that I can not move.

MEDICINE CROW (Lodge Grass band, first chief). I was not one of the older chiefs; I mean when this country was first set aside to the Crows by the treaty of 1868. For many years I have been trying to make my own living, and I was one of the first to be a farmer here. I started at it twenty years ago, and I was the first Crow Indian to put up a fence. I did this to comply with the policies of the Department, so that the Government people would not molest me in any way, saying that we were not complying with their requests and doing what we could toward civilization. All these beautiful mountains, streams, and lands which I and my chiefs sold we never knew the proceeds that were turned over from such sales. The agent is the one who looks after our interests. When he came here we had lots of horses; when he came here we had some cattle; then the agent began to furnish us houses and fences. There might be some of my people in this room who have not received an allotment for his child. Some of the children have not been allotted lands. I understand a little about the great council [Congress]; I was there and had a little inkling of it. The people sometimes when in trouble appeal for help. If the people in Washington would extend their right hand and we the left hand, we would shake and I would appeal for help. I hear that you have traveled a great deal and you know that our lands are small; and if I now start from any point, I reach the reservation boundary before the sun is down, showing the smallness of the reservation. We leased the unallotted lands for sheep and cattle, and the rental from these lands was credited to us for the benefit of we Crows. I am a ward of the Government; I am as an infant, and that infant is appealing to the Great Father to defer any more bargaining or agreements involving any more Crow lands. I want them reserved for the future generations. Frank Shively, Carl Leider, and James Hill [indicating three educated young men], I call upon you to devise a plan whereby we may have some lands retained for the raising of horses and cattle. We put you in school to learn the white man's way and be able to help us when we are in straits like this. It is up to you three to see what you can do for the benefit and interest of the whole tribe. You understand how to do things.

dig down through the surface before you can find nature's earth, as the upper portion is Crow. The land as it is is my blood and my dead. It is consecrated, and I do not want to dispose of it. I wish to keep it, and do not want to give up any portion of it

SPOTTED RABBIT (Upper Big Horn band, subchief). The Great Father was fighting in the Black Hills country and the Crows are the ones who helped him. The soldiers stationed at the different posts, if any of them endured hardship, the Crows endured it with them. For myself, I started out when I was 12 years of age and helped the Government. I went with ten different expeditions. I received pay twice for the suffering that I had from heat, cold, rain, and fatigue, and the other eight expeditions I did not receive anything, but helped without pay. As I campaigned from the Missouri on down I saw buffalo, deer, and elk, and they have all disappeared by the hand of the white man. God gave me this land. Afterwards the Great Father in Washington gave me distinct boundary lines within which I was to live. By agreements from time to time the Great Father has taken possession of the Crow lands, a little at a time, until now we are down to the last, and there is only a small piece left, and it is very precious now. Not very long ago I gave this country north of here, the last ceded strip, a big country. Even that they have not come to the point where there is anything realized from the sale of it. When we go back home from here to make report to our wives and children of what you have explained to us here it will make them feel badly. The little children and the increase of stock are growing right along. I heard you say that you were here to help us. Right now I do not want to sell the land or bargain for it. Tell the Great Father everything we have said and help us.

PLENTY COOS. The younger people might get up and say something out of the way, and you must not consider that as anything; they are young yet and have not matured minds. You look at me—I am not a white man, my color is brown, and there is nothing of the white man about me. As I look around I can no longer find game to provide food for my wife and children; I am compelled to do farm work for their support and livelihood. I am not a white man, and I can not do things that the white man does. As to the opening of any of our lands there is time enough for that, but we are not ready for it now. As to the agent—some of our old people have moneys which are put away, and before they receive the benefit of it they die. Now, the best thing to do is to give their money to them in a lump and they can realize the benefit of it before they die. I do not like that method of keeping the money, and when they are old and will soon die they should have it for their comfort, to receive benefits from it or buy cattle, and if they die their children or grandchildren would be benefited by it. I do not like it. I speak of it, because you are both here (inspector and agent). As to the land, I do not want to talk about it further, as I do not want to part with it.

Inspector MCLAUGHLIN. My friends, I am glad to have heard you express yourselves, as it enabled me to learn what is in your minds—that is, the minds of the respective speakers and as would appear from the responses of the audience to be the sentiment of the assemblage. But I would feel that I have neglected to do my full duty did I not call your attention to the important features of the bill which I have explained to you. My friends, I am not here of my own volition. I have been sent here by my superiors to present this matter and explain it clearly to you, that you may understand the different provisions of the bill which has been introduced in Congress and liable to become a law during the present session of that body unless you meet it with some reasonable proposition that would meet with Department approval and acceptable to Congress. I will say by way of introduction that I went among the Indians when a young man 28 years of age; my hair was black then, and it has grown white in the service of the Government among the Indians. I have visited nearly every Indian agency in the United States and have met the Indians of every tribe of the United States. I have never been at an Indian agency and had business dealings with the Indians and returned thereto that they did not appear glad to see me, and I was never ashamed to look them in the face, as I have always treated Indians as I would wish to be treated by others in business matters. I will also say that while I am a full-blood white man my many years among the Indians and appreciation of their many good qualities has brought me to be a very warm friend of the Indians and my heart is more than half Indian. I know how dear the Indian reservations are to the respective tribes occupying them, and how they wish to hold them intact; that is but natural, and were it in my power to leave undisturbed the Indian reservations as they exist to-day, and believed it best for their interests, I would gladly do all in my power to have them so remain, but that is impossible, my friends.

In the past, in the days of your ancestors, whom you say "ate the buffalo meat," large reservations were possible. There was in those days what was called a frontier, that was when the greater portion of the people of the United States lived east of the Mississippi River, but the great number of emigrants coming here from European countries forced the wave of immigration to press westward from the East and later

Inspector McLaughlin. My friends, you have been in council discussing the matter among yourselves since the adjournment last evening, and having now reassembled, I am ready to hear what you have to say regarding the matter under consideration.

Plenty Coos. What you told me yesterday I had never heard before and was not prepared to receive it and it came as a shell close to me and exploded and made me tremble. I will tell you several of my thoughts. As you see me standing here, I am not a white man; I do not know how to read and write; my methods of doing things are entirely different from those followed by white people, and I will tell you the mind of an Indian. I want to talk relative to settlers who take up lands on our ceded strip—occupying lands, either under ditches or not—they have more land than I think Colonel Rankin allotted us. The lands we did get are small, I think, in comparison with those taken up under ditches built by white people. Most of the allotments that were made to the younger men are small and some have no fences surrounding the allotments. I sold a portion of the reservation north of here and made plans for the expenditure of the money that should have been received but from the proceeds of the land sales I have never realized anything, to my knowledge. Most of that land now, some good portions of it, have no occupants at all. The reason I tell you this is that most of this land is not paid for and the money has not been received by the Indians. The President's official representatives have sent you here with the message (the bill he means) and telling me the condition of it and I was not prepared to receive it, and I am not therefore prepared to give a good argument either for or against it. I would like after having it presented to me to hold on to it and study it, and if I think it is proper for me to let these educated boys handle it, and if it is necessary, we might want to send some of them to Washington for further conference with the President. The people surrounding the reservation, the other Indian tribes, are full of faults, and we, the Crows, are without. We have been friendly to the whites, and it seems that they favor these outside tribes in letting their lands stand intact while we, the friends of the whites, are the first to be asked to dispose of our lands, and what we have disposed of we have never been paid for, and now this question comes up and I would rather not answer it at present.

Looks with his Ears. Just as though the speaking of selling our lands were a club, we were knocked so that we did not know what to say yesterday. Most people when a thing like that comes to them in that manner are resentful, and it is natural for them to refuse, so I also refused yesterday to give my consent. I thought the matter over last night before I went to sleep and thought it over thoroughly and now I have come to a conclusion. You made the statement yesterday that the Secretary and the Commissioner are up against it in this matter; that it is going to go through. My chiefs are in the same way; we are up against it. The portions that we have sold before, large tracts, we never realized up to our expectations, and I feel that if our surplus lands are sold, we will not realize an adequate amount from them either. Yesterday I was as a swimmer, when a shock came I dove to avoid the danger, to-day I came to the surface, shake my head and fill my lungs with a fresh breath. I thought the bill through after it was explained to me last night, and I think it best to cut the proposed commission from five to three persons. I also want to cut down the salaries of the timber cruisers from $8 to $5 per day. The State of Montana is permitted to take two sections of land in each township for school purposes, but if those certain sections are already occupied by Indian allotments the State is given the privilege of locating other lands in lieu thereof in some other place. We object to it in that form. The State can select other lands in lieu in that same township, but I do not want them to go out of the township and take the choicest land. As to the acreage set aside for horse-breeding purposes, I want to ask that 500,000 acres be set aside for that purpose and no less.

Horace Long Bear. I took that horse-breeding bill last night and studied it very thoroughly, and I know that most of the Indians have no definte comprehension of it; we do not understand it thoroughly. Carl Leider, Frank Shively, and myself, and others who could read, took that bill and explained it to the Indians in their language, and they were unable to understand it for all that. I suggest that you take this bill and put it in writing, in simple language, in order that we may explain it to the Indians so that they can understand it fully and act intelligently upon it. I have read the bill and there are some big words in it; I took my pocket dictionary to look for their meanings and when I looked for a word instead of finding it explained there would be a reference back to some other word, and it is confusing and I want simple words that are not confusing on an important matter like this. I have reached the point of manhood, of maturity, and I have reached the point of self-support. I am depended upon by my wife, children, mother, and others. When a person is in that condition he should be given a square deal. I live an honest and upright life and I want that request granted as to simplifying the wording of the bill so that we can understand it. After doing that we will take the simplified form as given by you and study it over so that we may thoroughly understand it.

remembering all they have said by referring to it. I am not that way, what I use my brain, and in speaking I use my memory and in a talk like this, we speak much and afterwards I may forget one or two statements made by me. I have traveled also; I have not been all the time on this reservation. The Indian people living on the different reservations all have faults and mean ways about them, but we, the Crows, the friends of the white people, seem to be the first to be treated like this, while you favor the other Indian tribes who have not been friendly to you. Now, it will take some time to collect all this talk and put it in decent shape to send forward. Among the members of the Crow tribe there are several boys who have been educated; they are of Crow blood, but they know the white man's ways. The time has come for them to act for us. If this matter had come up to us after a full compliance with all of the treaty stipulations for the last cession of land and we had received the payment promised, this matter would be easy now; as it is now, our business should be attended to by this committee of our young men. A number of children have not been allotted as yet, and I think some of the Indians who are entitled have not received allotments, and I think some of them have not received their grazing lands. All of these and any other matters, I want to send these educated young men, the agent, and yourself to Washington to plan for us, and the every act of this committee will be the act of me and my people.

Coyote Runs. Over on the other side of the railroad track, nine years ago we had a shade made of trees, and under it we had a council like this, and it consumed seven days. Ten men represented the tribe as speakers, and I was one of the ten others selected to oppose the first ten in case of emergency. I was instructed to hang on to the land and not to let it go. The Great Father sent two men here (Messrs. Hoyt and McNeely), and one of them had eyeglasses. These men told us that the Great Father wanted a portion of our land. From the description as it now appears on the map, we let the ceded portion go. At first we asked $2 an acre, but the white men representing the Government said it was too much money, and we cut it down to $1.50 an acre, and the commissioners said yes, and we all said yes, and agreed to let it go for that. We gave our consent on the seventh day of the council at 12 o'clock. Of the people who heard the proceedings of the council that day, many of the old people have died, and these, the living, are the remnants of the former number, have not been paid what they were promised for this land. Now with that obstacle in front of you, you jump over it and try to take the remainder of our lands from us. These are the reasons why we are trying hard to provide some way whereby we can defer it. At that time, if the stipulations of the agreement made had been complied with and a matter of this kind comes up, everything would be all right. The Indian tribes of the Northwest, surrounding the Crows, all have bad faults, have bad names. They acted in bad faith with the Government many times, and we are in the center of them all, and I think we are a good-hearted people, kindly in all our dealings with the Government, and have acted in good faith.

We have the reputation of being friendly to the people coming from the rising of the sun and the setting of the sun up to the present time. We have that reputation and we are going to keep it to the end of time. Why is it that the lands are taken from us, the friendly Indians, while the hostile Indians are permitted to hold theirs? We have sent our children to school to learn the white man's way so that they might use this knowledge as a train uses an engine with a light in the front of it to help and to show where it is going. I consider this land to be mine, and it is mine. I voice the sentiment of my people when I ask that a delegation of our young men, the Indian agent, and yourself, go to Washington and see the President and whatever you do, whether it is successful or not, we will abide by it.

The Bread. I was alarmed yesterday when you touched on the subject of taking from me what I make my living by. My chiefs, with the consent of all the tribes, ceded a portion of their lands on the other side of Fort Custer, and we have not received the many things promised that were promised us for it. And now the Government steps right over and proposes to take the surplus lands of the reservation and under this present bill we will experience the same thing as we did from the other agreement. At the treaty on the Platte River our chiefs promised to send the children to school. Now we have boys who have gone to school and I believe they can obtain a better measure by going to Washington with the agent and yourself and I and my followers will approve every action they may take in matters pertaining to our people.

Hoop on Forehead. The people who are friendly to each other come together and talk in a friendly manner, in a nice way, even if they have anything important to talk about they will pass the time of the day and then proceed to business. As I stand here, I speak for a district whose chiefs have all passed away. The past few years I have made my own living and am self-supporting. From the boundary line

why we are hanging back. The people surrounding this tribe who wear the breechcloth are all faulty and have mean ways and have a grudge against the white people, and they are your favorites and you grant nearly everything they ask and do not open their reservation, but when we, the friends of the white people, ask anything you always defer it, make evasive replies, and do not keep your promises. Why do you jump on us first, why not on the other Indians (Sioux, Cheyenne, Blackfeet, Nez Perces, Shoshoni). This is the sentiment of the whole Crow tribe, without a single dissenting voice. We are all of one mind, and it has been expressed by the preceding speakers to-day, and it is what we want granted, and it is up to go yourself to Washington and take the agent and several educated young men to confer and plan and get the best you can for us in these matters, and everything you do there will be sanctioned by all the members of this tribe. My own idea, my own mind, is, if I were you and in your place I would treat with these other tribes first and leave this tribe for the last, so that we Crows could continue to receive benefits from our lands longer than any other Indians. If this opening of our lands is bound to come and there is no getting away from it and the white people are to come among us, we sincerely hope that they will be good people and good neighbors to us, and we want to understand this matter before us so that we can prepare for the coming of the white men as our neighbors. One of the provisions of this bill is that any Indian owning an allotment under an irrigation ditch, with the consent of the Secretary, could give up his 40 or 80 acres of valuable agricultural land and take ten times as much grazing land for it; this clause I object to decidedly, and do not want it nor anything similar to it in the bill.

If at any time any trouble comes up from any source whatever and your services are needed to help those people, the Crows, I want you to put forth extra efforts in their behalf. We, the Crows, have petitioned that the agent be retained. I have never seen the agent's face, because I am blind; but I have heard his voice often and he has a very kind voice, because his talks are always good; he is always trying to help the Indians individually and collectively. Some of the young men have started off as well as they could after being asked by the agent, Chief Plenty Coos, and others who are trying to help us, and have farmed their lands so that they could make their living from their allotments, that they might be benefited and be self-supporting, and it has been up to the agent to find a market for the products of the reservation in excess of our personal needs and to get them a fair market price, and he has done this for us. Of all the Indians in this country the Crow Indians are the ones who love the white people and follow uncomplainingly the policies of the Department; no matter how many times they have been changed from one administration to another they haye always obeyed. I am 57 years of age, and from the time I can remember I have no recollection of any harm done by the Crows to any white man, and these, the living ones you see before you, have no desire to deviate from that rooted thought. The sentiment of the tribe is that a delegation of the educated young men with yourself and the agent should go to Washington and go before the Department and committees to make our wishes known, and whatever they do and come back to make report of the actions taken in any tribal matters we will stand by it.

ALBERT ANDERSON.. We made a treaty with the Government in 1901. I think that we were promised a great many good things—lots of cattle, sheep, and over half a million dollars, and we let that land go. Then we picked out about six educated Indian boys to read about the treaty that was made with us—Carl Leider, Will Leighton, George Suis, Joe Cooper, Frank Shane, and George Pease; and Fred Miller, the head clerk, made out these articles for us. You are sent by the Great Father, and I want you to help these people to the actual, real things; if there is anything of doubtful character, that is not good, the things of one mind are the things to follow.

I have heard it said that some forty or fifty years ago the treaties that were made contained expressions that the children should be sent to school and when they returned they could assist their people. Now, of all the leading chiefs of that time there are none living at present; but what they said in these former treaties we are willing to substantiate by our actions, and now we are willing to leave everything of importance to these educated young men to act in these matters for the tribe. Supposing a man owes a store and has traded at the store up to the amount of $100, and after the bill has stood several years this man comes to the store and wishes to trade on credit without settling any of the old account, what would be the result? That is the same condition with the ceded portion down here. The sentiment of the whole tribe is we want to defer this thing until all the conditions and stipulations of our former treaty are complied with and that we can actually see the result, and then we will have a smiling face and be willing to treat further for the surplus lands. Suppose these Indians possessed lots of money—enough to hire a prospector to go to all these different mountains to hunt for minerals—they would find five different minerals—gold, silver, copper, coal, and oil. We are sending a committee to give up this land,

It being the policy of Congress to open up all surplus reservation lands as rapidly as possible, believing it will be better for the Indians to be thus merged with the white people, it is useless to close your eyes to the fact that it is certainly going to be brought about, and in your speeches to-day you have shown that you are going to meet this difficulty in an excellent manner. It is the desire of the Secretary of the Interior and Commissioner of Indian Affairs to protect the Indians, and to see that they are properly and fairly dealt with and that the legislation enacted by Congress shall be just and equitable to all of the tribes. I am delighted to see the change in sentiment that has taken place in this assemblage since yesterday afternoon; after discussing the matter among yourselves you seem to have come to a very wise conclusion. I have great confidence in the four young men whom you have named as your representatives, and believe them to be men of good judgment, and that they will be prudent and act for the best interests of the tribe. I believe that by presenting the matter as the young men of your committee can do to the committees of Congress that certain modifications can be made for the opening of your surplus lands, and should your committee conclude it advisable to engage in the raising of horses, as contemplated by the other bill, that proposition will be explained to them while in Washington, so that they may fully understand it, and I promise you my hearty cooperation in assisting your committee in every way that I can. I am confident that the Secretary of the Interior and the Commissioner of Indian Affairs will be very pleased when I report the conclusion which you have reached here to-day. As I stated yesterday, my friends, if it were in my power to have every reservation remain intact as it is at present, and believed it would be best for the Indians, I would gladly do anything to have them remain so, but it is now impossible. Congress has determined upon opening them, and we must therefore meet it reasonably so as to obtain the best possible remuneration. I believe that by proper presentation of the matter by your committee to the committees of Congress, with the cooperation of the Commissioner of Indian Affairs, that a provision in the act may be secured for all of your grazing lands and arid lands to be sold in the discretion of the Secretary of the Interior within a reasonable time, so that the cattle of white people grazing thereon, free of charge, will not be an injustice to you.

The irrigable lands and agricultural lands will soon be taken up, there is no question about that; they will be taken under the reclamation and homestead acts, but it is for your grazing lands that you need to have a provision inserted in the bill, authorizing the Secretary of the Interior to dispose of such lands in his discretion, so that you may thus receive prompt payment therefor. The bill provides for the appointment of a commission to examine, classify, and appraise your lands into the different classes which I explained to you yesterday, therefore your mineral lands will be fully determined and whatever will be received for them under the mineral-land laws will be placed to your credit, the same as the other classes of lands, only at a different price. I have little doubt but that your committee will be able to have some changes and modifications brought about that will be to your liking, and that your interests will be fully protected by the desired modifications in the bill which I read to you yesterday. I am confident that the Secretary of the Interior and the Commissioner of Indian Affairs would oppose very strongly any legislation whereby your interests were not fully protected. Any legislation enacted without having your interests protected would be opposed by these officials, and they could even go so far as to suggest its disapproval by the President. Remember there are three branches of the Government, executive, legislative, and judicial. The President of the United States is the executive head and it becomes his duty to execute the laws. In matters pertaining to Indian affairs, land patents, and pensions, the acts of the Secretary of the Interior are the acts of the President. And while we are all confident and feel sure that the President and officials of the Interior Department will do everything possible to protect your interests, the Congress must be convinced of the justice of your requests in order to prevent anything becoming a law that will not protect your interests fully, and I therefore regard the conclusion you have reached a most admirable one. This being a very important matter to you people, I desire to ascertain the sentiment of this assemblage and will now ask you if it is the wish of this council to appoint the four young men—Carl Leider, James Hill, Frank Shively, and George Pease—suggested by your speakers, as a committee for the purposes stated in their speeches here this afternoon; that they, in company with their agent, proceed to Washington as soon as departmental authority can be obtained, to present matters to the officials of the Department and committees of Congress, as requested by all of your speakers here to-day. If such is the sentiment of the council I wish you would manifest it by standing up—all in favor of same rise to your feet.

The question coming so abruptly appeared not to have been understood by the Indians, only about twenty-five of whom stood up, whereupon Inspector McLaughlin

is a big talk. I heard it, and felt glad about it. People when they come together and have a deal of this kind, talk it over and when they decide to have it, it is good, and when they decide not to have it is not good. Now there is a movement on foot to select a committee to send to Washington, and when it goes our eyes will be watching and ears listening for news from them. When the word comes back that Inspector McLaughlin helped us in every way he could, then we will be glad. When Indian inspectors come here and we talk to them, they do not always seem to listen to what we say. The white people have now presumably been to all the springs and creeks next to the mountains looking and spying at them, so they can file on them when the time comes.

I make my living practically from the water, and that is the thing I eat by. Now, if you go with this delegation to Washington, as you have promised to help them, I want you to help them in every way that is in your power. You know this land, for you went all over it a couple of years ago. In the hills, where I am allotted my grazing lands, there are springs and creeks, but the allotments to the children do not answer the purpose for which they were made. This matter, talking the land proposition over, is a good thing. Our not being paid for the last land sold is the reason for our hesitancy. I asked the agent at that time to fence the remainder of the reservation, and he said it would be done. He seems to have forgotten that, as the fence has not yet been built. You whites are taught to know things, I myself don't know much, and do not know the white man's method of doing things, but there are lots of our young men capable of doing things as the white men do, who are looking around to see how they can make progress. Now, among my people some of them have a great deal of property in the way of stock, and that is the main reason we are hesitating about this business. One thing you told us seems to me as not good, and I do not like it. In the bill one provision is made whereby an Indian can relinquish his allotment under the ditch and can take ten times the number of acres of grazing land. I do not like that and I do not want it to appear in the bill. As for myself, I am under the ditch, and the land is valuable and nice, and I am going to stay there. If I could fence my grazing land I could fully utilize that acreage, because I have lots of stock of my own. Every bit of water, streams and springs, on this reservation is allotted and owned by these Indians individually. The reason I give you this talk is because you promised to help us and you give me hope.

DEER NOSE. I was not here yesterday to hear the talk, but it seems the general sentiments and expressions made are giving our lands away. If Pretty Eagle and Spotted Horse [two great Crow chiefs who died a few years ago] were here they would flatly refuse and would send these men out and break up the council. If we do this, what will be the result? We will, however, take the consequences of it. Now, as to the delegation, I want James Hill, Carl Leider, Frank Shively, Horace Long Bear, David Stewart, and as sixth man, Plenty Coos, and I ask them to make their plans and agree to them before they go, and they will be more likely to get the best out of it.

Inspector MCLAUGHLIN. My friends, from your talk I realize that you are disappointed at not receiving payments for your last ceded strip north of Fort Custer, but you need not feel uneasy about that, as you will eventually receive all the money that was promised you for it or that the land will bring. That land was opened by an act of Congress and was not opened under the agreement that you made in 1899, and that accounts for your disappointment. But, as I have just stated, you will receive every dollar that the land will bring as was provided in the legislation that opened it. It is not coming in as rapidly as was expected, but you will eventually receive it all. It is for the purpose of meeting the question of legislation, a bill for which has already been introduced, that I am here to meet you people, and I am very much pleased with the good sense that you have manifested in discussing it and the practical view you have taken of this matter in your talks to-day. A great change has taken place in sentiment among you since last evening regarding the matter presented to you. I note your willingness to meet the Department and Congress part way on this proposition, and I know that it will be very pleasing to the Secretary of the Interior and the Commissioner of Indian Affairs, who will both do everything they can to help you, so that you may know exactly what to expect and what you will have coming to you and about the time the payments will be made on the different classes of land. I regard this committee that you have chosen to represent you an admirable one, and the idea inspiring it as thoughtful and wise. I fully believe that the young men you have mentioned, together with your agent, and what I may be able to do myself in the matter, may succeed in bringing about an understanding with the Congressional delegation from this State and obtain the cooperation of the Secretary of the Interior and the Commissioner of Indian Affairs, and your committee will be able to tell you exactly what will be done upon their arrival home. I am satisfied that the Congressional committee will be ready to listen to reasonable requests and modifications along the lines of the bill to

promise to do every thing I can to bring about the necessary authority for this committee to proceed to Washington, and also to aid the committee all in my power before the Department and the Congressional committees. My friends, this has been a very pleasant assemblage, beginning yesterday noon and ending this evening, and I am highly pleased.

After my arrival in this State and before coming here I learned of certain contentions, bickerings, and strife that had been existing on this reservation for some months past, and I hope that all unpleasant feelings, if any now exists among you, will pass away as you leave this hall. You should work together for the general good and forget all differences. Whether you belong to the Crow Indian Lodge or whether you belong to the Buffaloes, now called the Elks, you are all Crows and one people, and you should have no differences or bickerings among you. Remember that the Government is the best friend of the Indians, and the officials here are the proper persons to go to when you are in doubt or in trouble. Do not listen to evil-disposed persons who invariably have a selfish object in view when they try to inculcate discord and discontent among you. You should always listen to the advice of the official here who is the representative of the Department and you will always have a good backing.

The late decision of the grand jury in Helena has wiped out everything reflecting upon your agent and all is clear and clean on this reservation, and you should now start in without any ill feeling and let bygones be bygones. I shall leave here carrying with me a very warm recollection of the manner in which you have treated me and I shall report to the Secretary of the Interior the splendid manner in which you have met this important matter.

STRONG WELL KNOWN. I came down to hear the chiefs talk and the educated boys, knowing that I have to go with them, no matter which way our land matters go. Everything you look at, the clothing, the food, everything comes from the ground. Now, the decision of this council is to send a delegation to Washington. In matters of this kind they should go direct to the fountain head and there have a decision made for the tribe. We have decided on a delegation of six, but I heard it said this afternoon that we were to select a delegation from each district, and of those elected there is none from the Lodgegrass district. We would like to have a capable man from that district, as we have several of them, and although your election has been held, I want to name Joseph Martinez to represent us also.

WHITE MAN RUNS HIM. From the time I remember my first chiefs, Iron Bull and several others, they had a council and made a treaty and we were told to educate our children, and we have done it, knowing that these boys would some day represent us. When we name these six committeemen to-day we put them in front of us as a shield to their people, to help us. Everything this council has done is all right and I like it. I have not the mind to comprehend what the Great Father is going to do, but these young men will go and hear him by first word from his mouth, and it will be good. When I speak, whether it is to a chief or anyone else, I like to speak to his face. Big Medicine and Fire Bear should have Joseph Martinez go to represent Lodgegrass. I want you delegates to talk to the officials in Washington and try to do the best you can for your people. Do not touch whisky while you are there acting for your kindred. Remember that you have the blood of Crow chiefs in your veins and we want you to do for the tribe what they would do if they were in your place. Do it and we will abide by it. [He thereupon takes the nearest of the committeemen by the right hand and with his left hand around the neck makes a personal appeal with the foregoing admonition in the name of the tribe, passing to each of the committee members in turn with similar actions and words.]

Inspector MCLAUGHLIN. You have given very good advice to the committee and I hope that they will follow the advice given, and I have no doubt but what they will. You people have placed a great responsibility on this committee and it devolves upon them to do their duty honestly, manfully, and earnestly, and I think they will. During your council you have empowered them to act for the tribe and there is a great responsibility resting upon them and I think they will feel that responsibility. I am going to do everything in regard to this matter that I have promised to, as I said before, I will do the very best I can to get this committee authorized to go to Washington and present this matter. If I fail, do not blame me. I will report it fully to the Secretary and the Commissioner and trust that they will meet your wishes in this matter. And should I be there with them, which in all probability I will, I shall render them every assistance in my power. With myself and your agent to aid them and present your matters as we both understand them, I am in great hopes that the officials of the Department and committees of Congress may concede what your committee has been instructed by you to ask for. I appreciate fully your very great courtesy to me and the very orderly manner in which the council has been conducted and for which I thank you. I will bid you good-by and shake hands with each and all of you. I neg-

lected to say to you that I will be here at least until Sunday, as it will take Mr. Miller that long to transcribe his notes and me to prepare my report. I will leave one copy of the council minutes in the agency office for reference.

SCOLDS THE BEAR. The Indians in the Lodgegrass district were doing well until about a year ago. A woman appeared upon the scene and made trouble. We were as fish in a clear stream before that, and this woman muddied up the stream; but now we are again in clear water. Now, the people here in this assemblage have elected their delegation to send to Washington. Everything they do we hope will be for the best, but I want you to be there when this delegation arrives and give them all the assistance you can.

When they get there and present their statements and reasons to the proper persons, I want you to be as one of this committee and help it in every way possible. The reason I ask this is that when they come to this horse-breeding business, or setting aside a tract or tracts of land, I want you to help them in every way you can to have that brought about right. Agent Reynolds, you are from Billings. You were appointed agent for the Crows, to help them; that is what you are here for. If you are to lead these Indians, as their agent when this delegation gets to Washington with Plenty Coos, I want you to exert every effort in your power to help them. Now, when this delegation goes to Washington the whole tribe will be looking toward them. You are the responsible head of them all. You take them there; if no good results take place we will feel bad; if you return with good news the whole tribe will rejoice.

Inspector MCLAUGHLIN. The business for which you were assembled having been concluded, I will now say good-by, and I shake hands with each and all of you.

Council adjourned sine die at 9.15 p. m.

I hereby certify that the foregoing 45 typewritten pages is a correct transcription of shorthand notes taken by me of councils held by James McLaughlin, United States Indian inspector, with the Indians of the Crow Reservation, Montana, from February 11 and 12, 1908.

FRED E. MILLER, *Agency Clerk.*

CROW AGENCY, MONT., *February 15, 1908.*

EXHIBIT J. McL. No. 2.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., February 17, 1908.

The honorable SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to report the result of my council with the Indians of the Crow Reservation, Mont., under Department instructions of December 28, 1907, with reference to making allotments to those of them who have not heretofore received allotments, and the opening of the surplus lands of their reservation, as contemplated by Senate bill 2963, Sixtieth Congress, first session, a copy of which bill was furnished me to submit and explain to the said Indians.

The council was convened at the Crow Agency on the 11th instant, with a very full attendance of the leading Indians of the reservation present, and the questions under consideration were very thoroughly and understandingly discussed during its several sessions.

As may be seen by the minutes of the council, transmitted herewith (Exhibit No. 1), the Indians throughout the first day's council strenuously objected to entertaining any proposition for the opening of their surplus lands, and it required patient reasoning to bring them to consider the matter in any form as the provisions of the bill above referred to were particularly objectionable to them at first. I, however, succeeded in convincing them that it would be proper and wise for them to think the matter over carefully and discuss it among themselves, and, after giving it due consideration, to meet me again in full council.

The Indians finally concurred in this suggestion and were in council by themselves from 7 p. m. until 11 p. m. on February 11 and again the following forenoon, I furnishing them with certain documents and information on certain points from time to time, and when our council reconvened at 2 p. m. on the 12th they discussed the matter very reasonably, having been brought by the younger men of the tribe to a better understanding of the true situation.

The council minutes herewith are very full, being a complete record of the proceedings throughout the council, and the remarkable change of sentiment and attitude of the

Indians with reference to the opening of surplus lands of their reservation, occurring between adjournment of the council on the 11th and its reconvening the following afternoon, as shown by the respective speeches of the representative Indians, was largely due to the influence of the educated, English-speaking young men, who, after the question had been presented and fully explained, realized that it would be unwise for the Indians to persist in holding out against the policy of Congress, and the Indians were thus brought to consider the matter intelligently and in a very businesslike manner.

As may be seen by the council minutes herewith, pages 18 to 45, inclusive, the Crow Indians have practically consented to the general provisions of the said Senate bill, conditioned, however, upon a committee of six of their young men, whom they have duly elected for the purpose, being authorized to proceed to Washington before further action is taken on the bill, with the hope of securing some modifications in certain of its provisions before its enactment is concluded.

The chief features of the bill which they desire changed are:

First. That the provision in section 4 of the bill, authorizing the appointment of a commission of five members to inspect, classify, and appraise the surplus lands, be modified so as to provide for but three members.

Second. That provision be made for the disposal of the land classified as grazing lands, that they may be sold in the discretion of the Secretary of the Interior, so that this class of land may be disposed of at the earliest practicable date after being opened to entry. This that the Indians may receive payment therefor within a reasonable time and not have such grazing lands appropriated by whites for stock ranges, free of charge, and the Indians deprived of any benefit from it, as is the case with the 1,150,000 acres of the northern part of their reservation, which was opened to settlement July 16, 1906.

Third. That the paragraph in section 9, page 9, of the bill, authorizing the relinquishment of irrigable allotments and the privilege of taking not exceeding ten times the acreage of grazing land in lieu thereof, be eliminated.

The foregoing desired modifications are practically the only changes that will be necessary to make to have the bill meet the wishes of the Indians, and which, together with whatever may be determined upon by the Department in reference to the horse-breeding enterprise, with the concurrence of their said committee, will, I am confident, be accepted without murmur by the Crow tribe.

As above stated, the Crows have elected a committee of six of their young men to represent the tribe before the Department and committee of Congress in this matter, of whom five are intelligent English-speaking young men, from 30 to 40 years of age, and of exceptionally good habits, who, together with Plenty Coos, the principal chief of the reservation, have been duly elected and authorized to act for the entire tribe in this matter and that whatever they may consent to will be acceptable to the Crow people. And they have also authorized that the expense incurred by this committee, in performance of the duty thus delegated to them, shall be paid from any tribal funds of the Crows available for the purpose.

I have the confidence of these people to a very great extent, and, as may be seen by the council minutes, they have earnestly appealed to me to aid them in this matter, and that I, together with Major Reynolds, their agent, accompany their committee to Washington, or at least to be with them there, to aid them in presenting their views and determining upon that which may be for the best interests of the tribe with reference to said Senate bill and also as to the horse-breeding proposition, and, inasmuch as the Crows have empowered this said committee to act for the tribe in this matter and have agreed to accept and abide by whatever the said committee may decide upon, I respectfully recommend that the wishes of the Crows in this respect be favorably considered and that the committee be authorized to procceed to Washington as early as practicable for the purposes herein submitted.

The Crow Indians are well disposed and very tractable, and their friendly attitude throughout the frontier Indian wars and aid they rendered the United States troops on numerous occasions during those trying times would seem to merit consideration by the Government in dealing with them at this time, and now that the only request they make in practically consenting to the provisions of the bill for opening their surplus lands is that the committee elected by the tribe for the purpose be authorized to proceed to Washington at the expense of the tribe to try and secure certain modifications, and which, under the circumstances, I trust may be allowed, so that the Crows may thus be fully reconciled to the legislation enacted for the opening of their reservation, and which I am fully confident they will acquiesce in with good hearts, provided this committee is permitted to visit the Department for the purpose for which they were elected. Furthermore, this committee being composed of exceptionally bright and capable young men will readily concur in anything which the Depart-

ment may determine upon in reference to the matter, and the concurrence of the committee in any measure will, without the slightest doubt, be accepted and approved by the Crow tribe. The best possible feeling prevailed among the Indians after they reached this conclusion, and the resolutions with reference to it were unanimously adopted. As may also be seen on pages 40 to 42 of the council minutes, the following-named members of the Crow Reservation were duly elected by the tribal council as a committee to proceed to Washington for the purposes above set forth, should departmental authority for the journey be obtained, viz: Plenty Coos, Carl Leider, Frank Shively, James Hill, David Stewart, and Horace Longbear, this committee to be accompanied by S. G. Reynolds, their agent, and I to meet them at the Department upon being notified by Agent Reynolds of the date of their departure from Crow Agency for Washington. But as to my meeting them in Washington, as requested and expected by the Indians, an order from the Department directing me to do so would be necessary, and I therefore respectfully submit the question for departmental consideration and instructions in the premises, which instructions may be sent me to La Pointe Agency, Ashland, Wis., for which agency I leave this evening to carry out instructions of the 15th ultimo.

On the 13th instant, the morning after the final adjournment of our council, a delegation of 22 Indians, most of them belonging to the Lodgegrass district, called upon me and submitted that three of the committeemen-elect belonged to the Big Horn district and that Lodgegrass, which ranks second in importance of the districts of the reservation, had no representative on the committee, in consequence of which they requested that George Pease, of the Lodgegrass district, be substituted for Horace Longbear, of the Big Horn district, and as Agent Reynolds and the other members of the committee concurs in the reasonableness of this request and the said George Pease being an intelligent and well-to-do mixed blood of the Crow tribe, standing well with the Indians, I believe that the substitution of his name in lieu of Horace Longbear should be authorized, and that it will be equally satisfactory to the tribe.

I also inclose herewith (Exhibit No. 2) letter of Chief Plenty Coos, of the Pryor district of the reservation, dated the 15th instant, received by me this morning, wherein he requests that Alexander Upshaw be authorized to accompany the party as an additional committeeman. The said Alexander Upshaw is an educated full-blood Indian, who is now employed by Mr. Curtis, the well known photographer, who is now on this reservation engaged in procuring material for historical purposes. Alexander Upshaw would undoubtedly add some strength to the committee, and I therefore submit the letter and request of Chief "Plenty Coos" for consideration by the Department and decision as to whether or not the said Alexander Upshaw may accompany the elected committee as a member, provided the said committee be authorized to visit the Department, as desired by the Crow tribe.

In conclusion, I respectfully submit that the Crow Indians having met this question very commendably—and which is to them a matter of vital importance—and that the only thing now necessary to satisfy the Crow Indians and reconcile them to the opening of the surplus lands of their reservation is that the committee which they have elected for the purpose be permitted to visit Washington and have a conference with the Commissioner of Indian Affairs and Congressional delegation from Montana, and considering the question in all of its phases and of the good feeling that will ensue from the committee being permitted to visit the Department before further action is taken on the said Senate bill I therefore respectfully recommend that the request of the Crow tribe in this respect be granted and that Agent Reynolds be notified as early as practicable of the decision reached by the Department as to same, that he may advise the Indians regarding the matter.

Very respectfully, your obedient servant,

JAMES McLAUGHLIN,
United States Indian Inspector.

EXHIBIT Z. L. D. No. 3.

THE GRANDON,
Helena, Mont., February 12, 1908.

DEAR MR. SERVER: Received your letter, and glad to know you reached home safely and found things in good shape.

By this time you doubtless have heard the news and know that the brush was used; but in case you have not seen it, I inclose a copy of the grand jury report, as well as an interview that appeared in Monday's paper. This has worried the Washington man a good deal.

Mrs. Grey is as free as a bird, for which we are thankful. That is the blow "that almost killed (the *Great*) Father," and I guess he is awfully disappointed. Mrs. Grey will probably leave here to-night for Minneapolis. I got the authority needed to send her off in good shape and with no debts behind.

There was an attack on our association in last night's "Record" which bears all the ear marks of Dalby's inspiration—if he did not actually write it. I tried to get some extra copies at the office, but they have all been bought up.

I hope to reach Parkman on the 15th or 16th to see a couple of friends, and to reach Denver (address Brown Palace Hotel) about the 20th. I will be glad to hear from you at either place.

With kind regards, in which Mrs. G. joins, I am,

Very truly, yours, M. K. SNIFFEN.

Highfield
Pole
10
Baldwin

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60th Congress, 1st Session. | SENATE. | Doc. No. 445, Part 2.

CROW INDIAN RESERVATION, MONT.

Mr. CLAPP presented the following

HEARINGS BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS ON BILLS S. 2087 AND S. 2963.

MAY 27, 1908.—Ordered to be printed.

UNITED STATES SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Tuesday, May 26, 1908.

The committee met at 10 o'clock a. m.
Present: Senators Clapp (chairman) and Paynter.

ADDITIONAL STATEMENT OF MRS. HELEN PIERCE GREY.

Mrs. GREY. On looking over the report of the hearings on Senate bill 2287 and Senate bill 2963, I find the following statements were inadvertently omitted:

On page 233, after the answer of Major McLaughlin, near the top of the page, I made the following statement:

> Mr. Burgess, the missionary at Crow Agency, on account of the continual complaints against Mr. and Mrs. Oshkosh, who were the disciplinarians in the Government school, asked that an inspector be sent from Washington to inspect the condition of the school, and especially to investigate these two disciplinarians. The inspector came, and after making a thorough investigation denounced Mr. Burgess for making false charges and approved Mr. and Mrs. Oshkosh. Before the inspector got back to Washington Mr. and Mrs. Oshkosh went on a drunken spree in the school building, and in the boys' dormitory building Mr. Oshkosh beat her. Mr. Reynolds had them leave the agency on the next train.

This should all be a matter of record, It must be in the records here in Washington so far as the inspector is concerned.

On page 344, after Mr. Garfield introduced the newspaper clipping as refuting my statement that the chief of police of Billings was warned that I was a dangerous blackmailer, asking him to have me watched. I asked Secretary Garfield if he knew the source of the information contained in the clipping which he introduced. His reply was that he did not. I then stated that it came from the Billings Gazette, a paper owned by Mr. Charles Bair. Senator Dixon confirmed my statement as to the source from which this Associated Press telegr[illegible] came. I then said that to discredit the source of Secretary Garfield's information I would submit the following editorial,